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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, January 7, 2004
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

01-02-04P03:00 RCYD

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
4. **Director's Report**
 - March 2 Election
 - › Outreach
 - › Voter Services Division
 - › Campaign Services Division
 - › Poll Locating
 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
 - Budget/Personnel Update
 - Ranked Choice Voting
5. **President's Report**
 - Commission Retreat
6. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on December 17, 2003.
 - (b) Discussion regarding procedures for evaluating Commission Secretary and Director, including presentation by representative of the Department of Human Resources [invited].
 - (c) Discussion regarding the role of the Commission in the implementation of Ranked Choice Voting.
 - (d) Discussion and possible action to approve the attached resolution regarding the implementation of Ranked Choice Voting for the November 2004 election.
 - (e) Discussion and possible action to make recommendations to the Board of Supervisors regarding the selection of official ballot arguments.
7. **Discussion regarding items for future agendas**
8. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

January 07, 2004

DRAFT



City and County of San Francisco

Elections Commission

Approved: _____

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APR 12 2004

SAN FRANCISCO
PUBLIC LIBRARY***Minutes of the Meeting held***

January 07, 2004

1. **CALL TO ORDER.** Meeting was called to order at 7:02 pm.
2. **ROLL CALL PRESENT:** Commissioners Robert Kenealey, Thomas Schulz, Brenda Stowers, Richard Shadoian, Arnold Townsend, Vice President Michael Mendelson and President Alix Rosenthal. **ABSENT:** None.
3. **Public Comment** Otto Duffy commented on the relationships between political clubs, candidates and Ranked Choice Voting (RCV). He said that clubs use RCV in selecting their endorsements, but when there are a large number of candidates, it is difficult to determine the winner. Mr. Duffy concluded that this would be the case if the City uses RCV in its elections.
4. **Director's Report.**

March 2, 2004 Election - The ballot and Voter's Guide formats are nearing completion. Printing of these will begin on Monday.

Poll Worker Recruitment - Poll workers are being signed up and classes are being scheduled.

Campaign Services Division - Candidate ballot designation authorizations have been completed.

Voter Services Division - Voter rolls are being updated with the address changes of voters.

Personnel Update - The Department is working to make all personnel requisitions permanent. Three 1403 Lead Clerk positions have been made permanent and we are currently working on doing the same for three Class 1471 Elections Worker - these will be supervisory positions. By the beginning of the new fiscal year, most of the DoE's staffing will have permanent or provisional status.

Ranked Choice Voting - Yesterday, Elections Systems and Software (ES&S), and the department agreed to use the eagle optical scan system to provide the system the DoE will use to implement RCV for the November 2004 election. The Request for Proposal process is now ended. The monies that will be applied to this contract are the same as were on reserve because the previous contract was not fulfilled. The Secretary of State (SOS) will be providing an exemption to ES&S to be used conditionally for the November 2004 Election. The Letter of Mutual Agreement between the DoE and ES&S was signed earlier today. The timelines in the agreement are very workable for having the system tested and for the Department to plan and implement its voter outreach.

5. President's Report

Commissioner Rosenthal reported that she is in the process of formulating the agenda for the February 22, 2004, Elections Commission Retreat. The aim will be to have discussion that will not require DoE staff present due to the closeness of the retreat to the March 2, 2004 Election. The President shared her preliminary list of topics and asked the Commissioners to contact her with any additions or suggestions. The list included: Discussion of ethical constraints of Commissioners and Charter requirements; actions of members as Commissioners and as private citizens; Elections Commission committee structure; Commissioners' relationships to their appointing officers; bylaws; job descriptions of Commission officers; how topics are placed on the agenda; and sunshine and public records requirements. President Rosenthal stated that it is her goal to finalize the retreat agenda at the next Elections Commission meeting.

- New Business

(a) Discussion and possible approval of Elections Commission Minutes for the Commission Meeting Held on December 17, 2003.

Commissioner Schulz requested that a statement he made regarding his goal when he was President of the Commission to keep the Department out of the newspapers, the lack of negative press regarding the DoE's activities during the December Runoff Election and his congratulations to the Director and staff be included in these minutes. MOTION to approve the December 17, 2003, Minutes with the addition of Commissioner Schulz' amendment CARRIED.

(b) Discussion regarding procedures for evaluation of the Commission Secretary and Director, including presentation by representative of the Department of Human Resources.

Paul Van Houten, Director of Training at the Training and Organizational Development Division of the Department of Human Resources (DHR), gave a slide presentation explaining the tools and procedures available for the evaluation of City employees.

Mr. Van Houten advised the Commission that there is a one-day workshop that DHR provides to departments.

President Rosenthal suggested that each Commissioner be given an appraisal form to evaluate, for example, the Commission Secretary. Then the Commission could meet in closed session to combine the comments into one overall form.

Mr. Van Houten responded that he felt that this plan would be workable.

Deputy City Attorney Julia Moll stated that she has worked with other Commissions and observed that they used the system described by President Rosenthal. By combining the appraisals into one, the employee is not forced to meet a variety of different expectations.

President Rosenthal said that it might be best for the Commission to develop an appropriate job description first, supply that to the employee, and then Commissioners

can fill out an appraisal form based on the description.

Commissioner Townsend suggested that the Director and the Commission Secretary be consulted in developing the job descriptions, because they know best what they do on a day-to-day basis.

Commissioner Schulz suggested that the Commissioners develop what they view the job and objectives to be and the employee should do the same. Mr. Schulz reminded everyone that draft criteria had been developed over eighteen months ago for the Director of Elections but were not implemented due to the removal of the former Director.

Commissioner Stowers said that, in her experience as a manager in the corporate sector, the employee writes the objectives of her/his position. If the manager doesn't know what the employee does daily in her/his position, the manager can conduct a peer review, asking others in similar positions for their feedback.

Commissioner Townsend expressed his opinion that nothing is needed to be done if a person is getting the job done. If that is not the case, then the Commission should ask for the reasons. If the person is determined to not be able to do the job, then the Commission should seek a replacement. Commissioner Townsend cautioned the Commission from insinuating itself, too much, into what employees do.

Vice President Mendelson reminded the Commission that DHR had been fully involved in the recruiting, testing and selection of the present Director and Commission Secretary. Mr. Mendelson asked Mr. Van Houten if he had experience in assisting Commissions in evaluating a Director whose position is laid out in the City Charter.

Mr. Van Houten responded that he had not.

Vice President Mendelson suggested that the Commission meet as a Committee of the whole and make a determination based on the DHR Job Description for recruitment and as described in the City Charter to make its evaluation. The Commissioner stated that the format provided to the Commission by Mr. Van Houten has some value, and can be followed for evaluating these two employees, particularly the Director.

Mr. Van Houten suggested that the Commission check with other Commissions who evaluate the performance of their department heads.

Commissioner Schulz said that it is necessary to have a discussion with the Director and Secretary to let them know what the Commission expects of them because, otherwise, these employees are in the "uncomfortable position of not knowing what we want of them."

Commissioner Stowers said that, in her experience, the objectives are written by the individual employee. The Commission would then look at these objectives, say that it understands that these are the things the employee wants to do, and then the Commission determines if the objectives are within the guidelines of the job description. Ms. Stowers stated that the employee should be stretching to accomplish growth and that the Commission should be pushing the employee towards that goal. The Commissioner said that she didn't feel the Commission should be telling the Secretary or Director what the Commission's expectations are, but it should be what these employees perceive is their duty within the overall guise of the job description they were given when they were hired.

Deputy City Attorney Moll stated that evaluation of the Director, and his goal setting on an annual basis may be tied to some monetary compensation. Once the Commission determines that the goals have been achieved, the compensation is granted. For this and other reasons, the evaluation process is important for the position of Director.

President Rosenthal stated that, with the approval of the other Commissioners, she would develop a process, based on tonight's discussions and the presentation by the DHR representative, and present it, probably at the next meeting.

MEETING WENT INTO RECESS at 8:05 pm.

MEETING RECONVENED at 8:15 pm.

(c)(d) Discussion regarding the role of the Commission in the implementation of Ranked Choice Voting (RCV); Discussion and possible action to approve the attached resolution regarding the implementation of RCV for the November 2004 [COMBINED].

Commissioner Kenealey MOVED to approve the attached Resolution. Commissioner Schulz SECONDED.

Public Comment. *Caleb Kleppner* congratulated the Commission and Department for running the last three successful elections within a very short time frame, for eliminating the use of touch screen technology for RCV in November 2004, and keeping the current vendor.

Commissioner Townsend stated that he was uncomfortable in passing a resolution for something the Commission is already required to do.

Commissioner Shadoian said that the purpose of the resolution was to restate the Commission's intent.

Commissioner Mendelson said that the resolution, as presented, requests the Director to do certain acts that transcend the Commission's supervisory role, for example: "regularly request updates." This, the Commissioner said, is not a general policy, it is directing him (the Director) to do something. Mr. Mendelson said that these parts of the resolution interfere with the Director's ability to use his discretion. The Commissioner MOVED that these sections be removed from the resolution.

Commission Schulz suggested that the wording on the four final "resolved" portions of the resolution be changed as follows:

THEREFORE be it resolved:

1. That the Commission will encourage the Department to work with the vendor.
2. That the Commission will encourage the Department to regularly request updates from the Secretary of State and
3. That the Commission will encourage the Department to initiate a program to educate voters about Ranked Choice Voting.
4. DELETE the last "resolved" statement.

Commissioner Shadoian SECONDED this amendment.

Public Comments. *Eric Allen* said that the resolution wasn't necessary because it is already the law. He said he felt it was grandstanding and that the Commission was getting more involved in the day-to-day workings of the Department and the Director. Mr. Allen said that the DoE was doing well without all the interference.

Roll Call Vote on the amendment to the resolution: Kenealey-No; Schulz –Yes; Stowers-No; Shadoian-Yes; Townsend-Yes; Mendelson-No; Rosenthal-Yes. The motion CARRIED.

Roll Call Vote to approve the resolution, as amended, regarding the implementation of Ranked Choice Voting for the November 2004 election: Kenealey-No; Schulz –Yes; Stowers-No; Shadoian-Yes; Townsend-Yes; Mendelson-No; Rosenthal-Yes. The motion CARRIED.

(e) Discussion and possible action to make recommendations to the Board of Supervisors regarding the selection of official ballot arguments.

Budget and Policy Committee Chairperson Brenda Stowers reported that the Committee had met just prior to the current Commission Meeting and had determined to continue its discussions after obtaining more information. The Committee seeks the following from the Deputy City Attorney: A legal opinion on the constitutionality of limiting the number of arguments that could be submitted. From the Director of Elections, the Committee requests a written report of how the Department currently makes its determination of ballot arguments. The reports will be made available to the Committee one week prior to the next Committee meeting that will be February 4, 2004.

7. Public Comment. *Eric Allen* suggested that the Director give a press release, monthly, on the status of RCV. He said that this would be a better way to inform the public rather than a resolution.

Commissioner Schulz informed the Commission that he would be on vacation and absent for the next two regularly scheduled Commission meetings.

ADJOURNMENT at 8:41 pm.

Attached is the Approved Resolution:

San Francisco Elections Commission

Resolution 01-02-04-1

Whereas, the voters of San Francisco passed Proposition A in March 2002 requiring the Department of Elections ("Department") to implement Ranked Choice Voting before the November 2003 election; and

Whereas, the Department and its vendor were unable to implement Ranked Choice Voting for the November 2003 municipal election as required by law; and

Whereas, the city's vendor is attempting to complete an application with the Secretary of State's office to certify modifications to the city's existing voting equipment in order to conduct Ranked Choice Voting elections;

Therefore, be it

resolved, that it is the intention of the Elections Commission that Ranked Choice Voting will be implemented for the November 2004 election;

that the Elections Commission will do everything possible to assist the Department in implementing Ranked Choice Voting by November 2004;

that the Commission will encourage the Department to work with the vendor to complete its application before the Secretary of State's office and to facilitate holding a hearing before the Voting Systems and Procedures Panel as soon as possible;

that the Commission will encourage the Department to regularly request updates from both the Secretary of State and the vendor regarding the progress of the vendor's application and any estimates as to when its constituent parts will be complete; and

that the Commission will encourage the Department to initiate a program to educate voters about Ranked Choice Voting.

Done this 7th day of January, 2004

I so attest: _____

Shirley Rodriques

Secretary, San Francisco Elections Commission

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The Elections Commission

January 21, 2004 Cancelled



The Wednesday, January 21, 2004

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ELECTIONS COMMISSION
and County of San Francisco



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AGENDA

ELECTIONS COMMISSION

Wednesday, February 4, 2004

7:00 P.M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. Closed Session to confer with counsel. [Estimated to take 10 minutes]

- (a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
- (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment.
- (c) Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

4. Public Comment on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. Director's Report

- March 2 Election
 - › Outreach
 - › Voter Services Division
 - › Campaign Services Division
 - › Poll Locating
 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
- Budget/Personnel Update
- Ranked Choice Voting

6. President's Report

- Commission Annual Report

7. Budget & Policy Committee Report

- Selection of Official Ballot Arguments

8. New Business

- (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on January 7, 2004.
- (b) Discussion and possible action to approve the Budget & Policy Committee recommendation regarding the process for selection of official ballot arguments.
- (c) Discussion regarding the attached job description for the Commission Secretary, for evaluation purposes.

- (d) Discussion and possible action to approve a procedure for evaluating Commission Secretary.
- (e) Discussion and possible action to approve the attached agenda for the Commission's retreat scheduled for February 21, 2004.

9. **Discussion regarding items for future agendas**

10. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

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The Elections Commission

February 04, 2004

*City and County of San Francisco*

Elections Commission

Approved: February 18, 2004

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February 04, 2004

1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:09 pm.

2. **ROLL CALL.** PRESENT: Commissioner Robert Kenealey, Vice President Michael Mendelson, Commissioner Richard Shadoian, Commissioner Tony Winnicker, President Alix Rosenthal. ABSENT: Commissioners Schulz and Townsend.

- **3.Closed Session.** Began at 7:12 pm. Ended at 7:21 pm.

Commissioner Kenealey MOVED to not disclose the deliberations of the Closed Session. SECONDED by Vice President Mendelson. CARRIED.

President Rosenthal introduced the City Treasurer's new appointee to the Commission, Tony Winnicker, and asked him to make a few comments.

Commissioner Winnicker expressed his pleasure at joining the Commission and thanked his appointing authority, Treasurer Susan Leal. He said that he looked forward to working with Director John Arntz, the Department staff and the Commissioners. Commissioner Winnicker explained that he brings his background in increasing voter participation, campaign and election finance as well as financial management to the Commission. He stated that he wanted to be clear to all that he is very committed to do all that he can to honor the will of the voters and implement Ranked Choice Voting in November 2004.

- **5. Director's Report.**

March 2 Election – The election plan has been given to the Commissioners tonight for review. The draft budget for fiscal year 2004-2005 will be forwarded to the Commission the end of this week or early next week. It is due to the Mayor's Budget Office later this month. The March 2 election is a "Semi-Open Primary." This means that non-partisan voters can choose to vote a ballot for the American Independent Party, the Democratic Party or the Republican Party. Postcards have been sent to all non-partisan, permanent absentee voters asking if they want to choose one of these parties for which to vote or do they want to vote non-partisan. If they choose to vote non-partisan, they can only vote for the measures on the ballot, not the candidates. They will receive a ballot that only has the measures. All staff are being trained with this information and we are doing everything we can to get the message out to the voters.

There are new identification requirements which will commence this election. The Help America Vote Act requires that anyone registering to vote by mail since January 1, 2003, must provide the DoE a form of identification. If they haven't done so, they will be asked to provide identification when they go to the polls to vote. If these voters still haven't provided identification, their ballots will be handled in the same manner as Provisional Ballots. This means that their signature will be checked with the DoE's signature files and then their vote will be counted.

Outreach – The big issues are the identification requirements and the cross over voting for the non-partisan voters. This division has been working on translating the materials to get this information to voters. Staff also goes to communities and gives presentations. Additionally this division recruits bi-lingual poll workers. Years ago, the Department of Justice often had issues with the City's low numbers of bi-lingual poll workers. This has not been the case in recent years because our recruitment has been enhanced. The Outreach Division and the Poll Worker Recruitment Division deserve all the credit for this turn around.

Voter Services Division – The division recently sent out postcards to the non-partisan/declined-to-state voters. The division has sent out over 23,000 cards and approximately 7,000 have been sent back to us. These cards are being processed as quickly as possible. An insert has been placed in the absentee ballots that the DoE sends to non-partisan voters informing them that they were sent only the measures ballot because they did not choose a party for the primary.

Campaign Services – The division will be holding their open house on February 18, from 3:00 pm until 5:00 pm. Campaign Services has begun its phone bank, and calls are averaging 200 a day with questions about registration, polling locations and party affiliation questions. The division plans to fully man the phone bank with eleven staff beginning next Wednesday. Among these staff will be Russian, Spanish, Cantonese, Mandarin, and Tagalog speakers. This division is also preparing for public observation on our elections procedures on election day.

Poll Location Division – The division has located all polling sites. However, it is not unusual for sites to change due to property owners changing their minds. Additional locations are also sought. Routes for the trucks that deliver the voting supplies are being mapped and the deliveries are expected to take five days to complete.

Poll Worker Recruitment Division - The division has obtained at least one inspector and two clerks for every City precinct. The High School Poll Worker Program is beginning and we expect a high turnout for the March Election. There were 800 high school students in last October's election, 500 for November and a few less for December.

Training Division – This division has already begun the clerks' classes. Inspector classes begin February 25th. Emphasis in the training will be given to the "cross over" voting for the non-partisan voters.

Ballot Distribution – The division has received all of the absentee and early voting ballots. Fifty thousand absentee ballots have been mailed to date and permanent absentee ballot mailing should be completed by this Friday. Precinct ballots will be coming in next week and should be delivered to all the inspectors beginning February 25th. These ballots have been reviewed and I don't foresee any problems.

Technology Division – The staff here has been very busy. The highlight of their activity, currently, is the upgrade of the voter database. There is a new version of this information and the division has trained staff on how to use it. The polling place "look up" module is in place and voters can visit our website and type in their address to find out where their polling place is located. Beginning tomorrow, the division will commence its logic and accuracy testing of the voting machines that will be used at the polling sites.

Budget - Staff worked with the Controller's Office and the Mayor's Budget Office to make projections for this fiscal year because the Department requested a \$2.2 M supplemental appropriation from the Finance Committee. That supplemental appropriation has been tabled or continued, therefore, the monies are currently not being allotted to the Department. We are looking at our expenditures and budget forecast through to June 30, 2004, to stretch our resources without the funding. It is very difficult, but we think we have made enough adjustments in our operations to be successful. This is possible, too, because of the savings we made from the three previous elections. I want to commend our staff for doing this because it was a monumental task!

Personnel - We have posted a 1408 - Chief Clerk position. This person will oversee the ballot distribution for the DoE. This is our effort to make this temporary position a full time, permanent, provisional position. In a week, we plan to post a 1054 - Information Technician position. This will also give the person running our division a permanent, full time position. Additionally, we will advertise for three 1471 - Elections Worker positions. These will give the DoE eight permanent provisional permanent staff to be added to the Department within the last two months and we plan to continue to increase our permanent and provisional staff and decrease our temporary staff.

Ranked Choice Voting (RCV) Update. - Election Systems & Software (ES&S), our vendor for our voting equipment, was to have tested their RCV system in Omaha this week. However, it was postponed yesterday. There is no set date for the testing to begin. Both the Secretary of State's Office (SoS) and ES&S have assured me that the testing will be done in the short term.

President Rosenthal stated that she had spoken with Mr. John Mott-Smith of the SoS's office today and was told that the SoS had provided ES&S with a list of equipment or tasks that must be completed before federal testing could commence, but had to cancel because the tasks had not been completed. The SoS has agreed to send representatives of their office to Omaha when the testing takes place so that state and federal testing can happen concurrently. If the testing is successful, the state can then give the required 30-day notice so that the state's Voting Systems and Procedures Panel can hold their hearing and make a decision regarding certification.

Vice President Mendelson asked the Director about the DoE's current staffing levels comparing temporary and permanent/provisional workers. Director Arntz answered that the temporary numbers far out number the permanent but this is because the Department is in an election season. However, the plans are to have 200 people on staff, excluding poll workers, as we go into the election. Twenty people will be permanent or provisional. When the fiscal year began, this number was eight. Mr. Arntz estimated that the number will be 25 permanent or provisional staff before the current fiscal year ends with the number rising to 30 or 32 - and this will be within the existing budget.

Commissioner Winnicker asked if there was an opportunity for a non-partisan voter to get a partisan ballot AFTER the voter has been mailed the measures only ballot. Mr. Arntz answered yes. He said that the voter has several choices, which include: (1)

coming to the Department to turn in the measures-only ballot, and be issued a partisan ballot, (2) surrendering the measures-only ballot at a polling place on election day and choosing another ballot, or (3) sending the Department a signed letter that reaches the Department BEFORE February 24th (at which time the DoE suspends the first ballot in its tracking system and will send out the new one).

Commissioner Winnicker said that there are many new voters preparing to vote in March and asked what the difference was in the polling places used in December and the ones planned for March. Mr. Arntz answered that voters are notified of their polling location by cards, Voter Information Pamphlets, on the Department's website, signs posted at polling sites, and even at former polling sites. Signs are posted at the old sites directing voters to the correct one.

Commissioner Winnicker asked what the plans were for developing the ballot for RCV. Director Arntz said that the ballot design currently is a "stacked" design. This is the design preferred by the vendor. Mr. Arntz said that the design depends on the technology available to make RCV happen.

Commissioner Shadoian stated that he had just received information from the

SoS stating that there has been a change in state law about using school sites as polling places. Mr. Arntz stated that it was not a change in state law but a recommendation by the SoS to the statewide school system. He stated that the DoE has been working the City's schools for many years and that the memo that was sent by the SoS probably applied more to other counties than to San Francisco.

- **6. President's Report.** President Rosenthal reported that she continues to edit the draft Commission's Annual Report for 2003, and invites input from other Commissioners. February 21, 2004 is the date for the Commission Retreat, however, the Rules Committee will be considering applicants for the Board of Supervisor's appointment to the Commission on February 25. The date for the retreat may change.

- **8. New Business**

(a) **Discussion and possible approval of the Elections Commission Minutes for January 7, 2004.** Commissioner Kenealey MOVED to exclude the new Commissioner from this vote. **SECONDED** by Commissioner Shadoian. **CARRIED.** Commissioner Shadoian MOVED to accept the January 7, 2004 minutes for approval. **SECONDED** by Commissioner Kenealey. Motion **CARRIED.**

- (b) **Discussion and possible action to approve the Budget & Policy**

Committee recommendation regarding the process for selection of official ballot arguments. The Budget & Policy Committee did not meet. This item was CANCELLED.

- (c) **Discussion regarding the job description for the Commission**

Secretary, for evaluation purposes. President Rosenthal explained that the description handed out at the meeting was taken from the original job posting for the position.

- (d) **Discussion and possible action to approval procedure for evaluating**

the Commission Secretary. President Rosenthal proposed that the Commission and the Secretary take the Performance Appraisal form and evaluate the Secretary independently. Those evaluations will then be submitted to the President who will put together a composite of the evaluations. A closed session meeting of the full Commission will then be held to discuss the evaluations including the Secretary's self-evaluation. Commissioner Mendelson MOVED that the Commission create a form to evaluate the Commission Secretary's position based on the form designated by the President of the Commission. Further, that each Commissioner use that form for the evaluation of the position, and that those forms be submitted to the Commission President for integration of the evaluations into a composite evaluation and that the Commission Secretary fill out a self-evaluation on the form to be used in this process, and that the Commission meet as a committee-of-the-whole in closed session to discuss and determine the over all performance of the Commission Secretary based on the gathered evaluations. Commissioner Kenealey SECONDED.

Commissioner Winnicker asked if the Commission Secretary would be allowed to review all the Commissioner's individual evaluations. President Rosenthal and Secretary Rodriques agreed that this should be the case.

Commissioner Winnicker MOVED to add this amendment. Commissioner Mendelson SECONDED. This amendment to the motion CARRIED. The main motion also CARRIED.

- (e) **Discussion and possible action to approve the agenda for**

the Commission's retreat scheduled for February 21, 2004. Commissioner Mendelson MOVED to adopt the agenda. Commissioner Kenealey SECONDED.

Commissioner Kenealey said that he didn't understand the need for discussion of the

relationship of the appointing authority to the Commissioner that the authority appointed. He said that he had no such relationship, his appointing officer no longer sits in her position she held at the time of his appointment. He asked what the purpose was of having this subject on the Retreat Agenda. President Rosenthal answered that the question had come up in the past regarding whether there should be some kind of reporting relationship between the appointee and the appointing authority. Initially, some Commissioners felt that they should report back to or take input from their appointing authorities on issues before the Commission. The Charter gives some indication regarding what the ballot argument, creating the Elections Commission, intended and that this may need further discussion, for clarification, at the retreat.

The motion to approve the agenda for the retreat CARRIED.

- **7. Discussion regarding items for future agendas**

President Rosenthal reminded the Commission that at the February 18, 2004 meeting, the Commission will need to approve the March 4, 2004 Election Plan and the proposed budget for submission to the Mayor's office. She suggested that the Budget Committee may have to meet before the February 18th meeting.

Commissioner Shadoian suggested that there be discussion and possible action to approve a proposal that the Commission be provided Election Plans 45 days before each election.

Commission Mendelson suggested that there be discussion and possible action to propose the maintenance of a strategic calendar, taking into account the Department's election schedule, so that the Commission can begin to schedule more effectively our meetings as well as to consider a one meeting per month schedule.

President Rosenthal reminded the Commission that if they have further items they want on future agendas, they should contact the Commission Secretary and she will inform the President.

Commissioner Winnicker asked when the subject of outreach for increased voter participation will be calendared. President Rosenthal replied that Commissioner Townsend had taken the lead on this item and that he had suggested that the first meeting after the March election would be an appropriate meeting to calendar the subject.

ADJOURNMENT at 8:04 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday February 18, 2004
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

02-13-04 03:13 PM

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Keneale
The Honorable Thomas Schulz
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
4. **Director's Report**
 - March 2nd Primary Election
 - Outreach
 - Voter Services Division
 - Campaign Services Division
 - Poll Locating
 - Poll Worker Recruitment
 - Training
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel Update
 - Ranked Choice Voting
5. **President's Report**
 - Ranked Choice Voting
 - Commission Retreat
 - Commission Appointments
 - Strategic Calendar for the Commission
6. **New Business**
 - (a) Discussion and possible action to approve the Elections Commission Minutes for Commission Meeting held on February 4, 2004.
 - (b) Discussion and possible action to approve the March 2, 2004 Election Plan.
 - (c) Discussion and possible action to set deadlines by which the Director must submit election plans to the Commission.
 - (d) Discussion and possible action to approve the proposed Budget for the Department of Elections for Fiscal Year 2004-05. [Commissioner Mendelson]
 - (e) Discussion and possible action to approve a new Commission meeting schedule, which may include reducing the frequency of meetings to one meeting per month.
7. **Discussion regarding Items for future agendas**
8. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The Elections Commission

February 18, 2004



City and County of San Francisco

Elections Commission

Approved: March 10, 2004

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Minutes of the Meeting held

February 18, 2004

1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:04 pm.
2. **ROLL CALL.** PRESENT: Thomas Schulz, Richard Shadoian, Tony Winnicker, Arnold Townsend, Vice President Michael Mendelson and President Alix Rosenthal.
EXCUSED: Robert Kenealey.
3. **Director's Report.**

March 2 Election – Five Hundred citizens have voted at the early voting station in City Hall. Absentee Ballots mailed out total 91,000 and approximately 13,000 have been mailed back. All Voters Information Pamphlets (VIPs) in English have been mailed and VIPs for people who registered late will be mailed tomorrow. Approximately 22,000 cards have been sent to non-partisan voters informing them that they can vote for either party and 7,500 have been mailed back to the Department.

Outreach – The division has made 29 presentations since the last Commission

meeting. Staff attended the Chinese New Year's Parade in an effort to recruit more bilingual poll workers. The Russian and Chinese orientation classes have begun. These classes teach people about the election in general, and then attendees go to poll worker training classes.

Voter Services Division - Registration for the March 2nd election closed yesterday. The division has begun organizing and processing absentee ballots.

Staff is handling the early voting station in City Hall.

Campaign Services - The division held an Open House today. Twenty people attended and this was the lowest turnout within memory. The four members of the Elections Observer panel attended. The division is preparing the candidate and ballot argument guides for the November 2004 election. The deadline has passed for filing Fair Political Practice Commission forms. San Francisco is one of the three depositories for these forms in the State. Staff is filing these for public access.

Poll Location Division - Staff has located all polling sites. Where polling places have changed from the previous election, signs are being prepared to direct voters to their new site. There will be "tear off" notices on these signs that will allow voters to take the information with them. Maps to all of the polling sites are being prepared to assist staff in reaching the sites on Election Day. The eagle machines will be delivered to the sites beginning next Thursday.

Poll Worker Recruitment - The division is still recruiting high school students. Currently 650 students have signed up. The division is also recruiting 100 or more clerks. All bilingual workers needed for March 2nd have been assigned.

Training Division - The classes for inspectors begin next Wednesday.

Technology Division - Certification of the transmission of election results to the Secretary of State's Office has been accomplished. The division is getting the computers and phones set up for the elections center for March 2nd. The logic and accuracy testing is proceeding well.

Budget and Personnel - The initial budget is prepared. The Department has posted a "1054" which is a technology manager position and a "1471" elections worker position for hiring. Interviews for these and the "1408 - Chief Clerk" position, that has recently closed, will be held after the March Primary Election.

Ranked Choice Voting (RCV) Update – The Director stated that it is his understanding that the testing has been rescheduled for March 9, 10 and 11 in Omaha.

Commissioner Shadoian asked if the Commission Office has been reinstated for the Commission's use and if not, when that will happen. Director Arntz answered that it is currently being used to store absentee ballots and will be returned after the March Election but he didn't have an exact date.

4. President's Report. President Rosenthal reported that earlier in the day she had spoken to Mr. John Mott-Smith of the Secretary of State's Office (SoS). Mr. Mott-Smith told her that both state and federal testing would occur on the March dates reported by the Director. Commissioner Rosenthal said that it is the SoS's intention to hold a Voting Systems Panel (VSP) very soon thereafter. She reported that Mr. Mott-Smith told her that ES&S is asking for a one-time certification.

Commissioner Townsend asked if any part of the certification relates to a hand count of the ballots.

Director Arntz explained that the current certification is only for the optical scanning system. However, the DoE will need to develop a back up plan to use hand counting in case the certification is not successful or if the system doesn't function properly.

Commissioner Townsend said he was opposed to a hand count because it would take 28 to 30 days after the election to complete, and therefore, not be an "instant" election. The Commissioner said that a hand count should be a policy of the Commission, if that is what the majority members agree, and it should not "just occur." The Commissioner suggested that this topic be on a future agenda.

President Rosenthal announced that the new date for the Commission Retreat will be Saturday, March 20, 2004, and asked the members to check their calendars for conflicts.

Commissioner Thomas Schulz announced that this meeting was his last as a Commissioner. He said he decided not to reapply as the Board of Supervisors' appointee. The Rules Committee will consider six candidates at its meeting next Wednesday, and the full Board will have the selection on its agenda for March 9, 2004. The Commissioner said that he had spent two very interesting years on the Commission.

Commissioner Townsend said that he wanted to go on the record as expressing his concern that he was the only person of color on the Elections Commission. He said that other Commissions have a more racially diverse composition and that he hopes there will be Hispanic and/or Asian representation on the Commission soon.

President Rosenthal said that she intends to formulate a Strategic Calendar which will include the March 17 hearing for increasing voter turn out in precincts with low numbers of voting citizens. She said that there may be a special meeting before March 17 to discuss the March 2nd Primary Election. Regarding the Commissioners' assignments during the upcoming election, the President left the decision to the individual members regarding the areas they wished to observe. She asked the Commissioners to be prepared to report their findings/observations back to the Commission and the public at the next meeting following the election.

5. New Business

- (a) **Discussion and possible action to approve the Elections Commission Minutes for meeting held on February 4, 2004.** Commissioner Shadoian MOVED to approve the minutes. Commissioner Winnicker SECONDED. Commissioner Schulz asked permission to not vote on this item because he was absent for the meeting. Commissioner Shadoian MOVED to excuse absent Commissioners Thomas Schulz and Arnold Townsend from voting. SECONDED by Commissioner Winnicker. The MOTION to excuse the two Commissioners from this vote CARRIED. The vote to approve the February 4, 2004 minutes CARRIED.

(b) **Discussion and possible action to approve the March 2, 2004 Election Plan.** Commissioner Schulz MOVED to adopt the plan and Commissioner Townsend SECONDED.

Commissioner Schulz asked the Director to explain how the DoE will be tracking provisional ballots to see if a vote has been counted. Mr. Arntz explained that there is a new state law that requires a database will be on the DoE's website. This database will allow anyone to check if their vote was counted.

Commissioner Shadoian said that he was concerned that the election was two weeks away and the Commission was today deciding whether to approve the Election Plan. He said there should be discussion to get input from the public before the plan comes to the Commission for approval.

Commissioner Winnicker reminded the Commission that Commissioner Shadoian's concerns were the next topic on the agenda.

MOTION to approve the Election Plan CARRIED.

- **(c)Discussion and possible action to set deadlines by which the Director must submit election plans to the Commission.** Commissioner Shadoian MOVED to set the deadline by which the Director must submit election plans to the Commission to 45 days prior to the time citizens can vote (75 days prior to Election Day).

Commissioner Winnicker stated that in his opinion the discussion to have the plan come to the Commission sooner was not a reflection on the quality of the plan. He stated that the plan was "incredibly detailed" and complemented the Director and the Department for developing it. The Commissioner asked at what point does the Director put the plan together and is it then in a format that can be shared with the Commission.

Commissioner Rosenthal asked the Director when the plan becomes concrete enough to present it to the Commission and the public.

Director Arntz replied that this depends on the situation. He said that the plan began last summer when the DoE had its legally mandated dates. However, for each election, adjustments are made as the date draws near. A plan can be provided 75 days before an Election Day but adjustments will be made to it. This will be particularly true with the November RCV election because this will be the first time the City has conducted such an election. Mr. Arntz explained that because the Department balances numerous activities at the same time, it would be very difficult to have the plan open for debate.

Commissioner Townsend said that although numbers such as the number of registered voters or the number of early voters are constantly changing as Election Day nears, an update of those numbers at each Commission meeting is important so that the Commission can determine if it's necessary to get the word out to media to encourage people to vote if the early numbers are low.

Commissioner Schulz asked if the Commission's vote for this item would mean that a discussion of the Election Plan would be on the Commission's agenda 75 days before an election. President Rosenthal stated that this would be the case.

The MOTION (021804-1) to direct the Director of Elections to submit an Election Plan to the Commission 75 days prior to Election Day CARRIED.

(d) **Discussion and possible action to approve the proposed Budget for the Department of Elections for Fiscal Year 2004-05.** Commissioner Mendelson MOVED to approve the tentative Budget, Commissioner Schulz SECONDED. Commissioner Mendelson reported that he and Commissioner Winnicker had met in Committee prior to tonight's Commission meeting and had reviewed the background for the budget being considered. He said that the \$9.2M is less than the rate of inflation, and that when it was compared to previous budgets covering years in which the same number of elections were conducted, the amount was "very good as a first number." The Commissioner said that the Controller's Office had lauded the Department and the Director for staying within its set budget. He said that the Department has prospered under Mr. Arntz' leadership and that he is one of a few directors to have a record of zero supplemental budget requests because his final budget submittals have been on target.

The Commissioner reminded the Commission that the budget being discussed today is tentative.

Commissioner Winnicker agreed with Commissioner Mendelson and made some comparisons between various costs in the years 2001, 02, 03. He reminded the Commission and the audience that much of the information was available on the Commission's website. For example, the ballot costs for 2002-03 were \$1.1M and the current budget calls for \$1.1M; Sheriff's Services for 2002-03 were \$183,000 and the current budget calls for \$120,000; and temporary agency expenses for 2002-03, were \$10,000 and remain the same for the current budget. The Commissioner said that when the categories are compared, the costs are usually the same, less or hardly above the rate of inflation than costs for previous years. Mr. Winnicker said that he wholeheartedly recommends the budget for approval and added that if all of the City's Departments were run as efficiently, the City wouldn't be in the financial trouble it now finds itself.

Commissioner Mendelson added that monies (\$775,000) for outreach for RCV were not included in the budget because those funds are already on reserve. He added that the final budget will come to the Commission in June.

Commissioner Schulz thanked the staff members who made the sacrifice of working without pay or taking days off without pay which helped to keep this current year's budget in line. He stated that he hoped that this sacrifice would not reoccur.

Public Comment. *Chris Bowman* asked if the Department has taken in enough money for paid ballot arguments to cover the costs for the VIP. Mr. Bowman said he didn't see any savings in the budget due to RCV. President Rosenthal replied that the costs for runoffs is never in the Department's baseline budget, those costs are always covered by a supplemental appropriation.

Steven Hill said that he would like to see the Commission more involved in voter outreach between elections. He suggested a new position in the Department for a full

time outreach person to work in communities to register voters. Mr. Hill said he was certain that the Board of Supervisors would support money for this position.

President Rosenthal told Mr. Hill that the Commission will be holding a meeting on March 17 to discuss outreach and encouraged him to participate.

The MOTION to approve the proposed Budget for 2004-005 CARRIED.

(e) **Discussion and possible action to approve a new Commission meeting schedule, which may include reducing the frequency of meetings to one meeting per month.** Commissioner Mendelson MOVED to approve a schedule that may include reducing the frequency of meeting to one meeting a month. Commissioner Townsend SECONDED. President Rosenthal stated that the reason she put this item on the agenda was because the Commission has had to cancel and then schedule special meetings due to elections. She suggested that third Wednesdays be the regular meeting time and that special meetings be scheduled when needed.

Commissioner Rosenthal reminded the Commission that there may need to be a special meeting called before the March 17th meeting to discuss the March 2nd election.

Public Comment. *Steven Hill* said that there is a lot of work to be done regarding RCV and outreach that should require the Commission to hold two regular meetings each month.

Christopher Bowman advised that his Citizen's Advisory Group had one-a-month meetings that worked well. He reminded the Commission that it also has Committee meetings and therefore will still, most probably, have two or more meetings each month. He admitted that second Wednesdays would work better for him because he would like to attend the Elections Commission meetings regularly but he has a conflicting meeting on third Wednesdays.

Richard Shadoian MOVED that the Commission use the one meeting a month schedule for six months and then revisit the schedule for future meetings after that six month period. SECONDED by Commissioner Thomas Schulz. MOTION (021804-2) to have one meeting a month for six months CARRIED.

Richard Shadoian MOVED that the Commission meet on the third Wednesday of each month. SECONDED by Commissioner Townsend. MOTION (021804-3) to meet on the third Wednesday of each month CARRIED.

6. Discussion regarding items for future agendas. *Commissioner Shadoian* suggested a discussion regarding sharing the Commission Secretary with the Ethics Commission; *Commissioner Townsend* recommended the discussion and possible action to develop a policy on using a hand count for ballots; *Commissioner Winnicker* suggested a discussion regarding a permanent absentee voting campaign; *Commissioner Townsend* requested that opinions from the public be gathered regarding the topics to be discussed at the March 17th meeting.

Commissioner Richard Shadoian thanked outgoing Commissioner Thomas Schulz for his service on the Commission. The other Commissioners offered their gratitude to Commissioner Schulz as well.

President Alix Rosenthal announced that the March 3, 2004 meeting of the Elections Commission is cancelled.

7. Public Comment. *Steven Hill* announced that the ES&S system would be tested the second week in March.

ADJOURNMENT at 8:27 pm.

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AGENDA

ELECTIONS COMMISSION

Wednesday, March 10, 2004

City Hall, Room 421

6:00 pm

1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Keneale

The Honorable Thomas Schulz

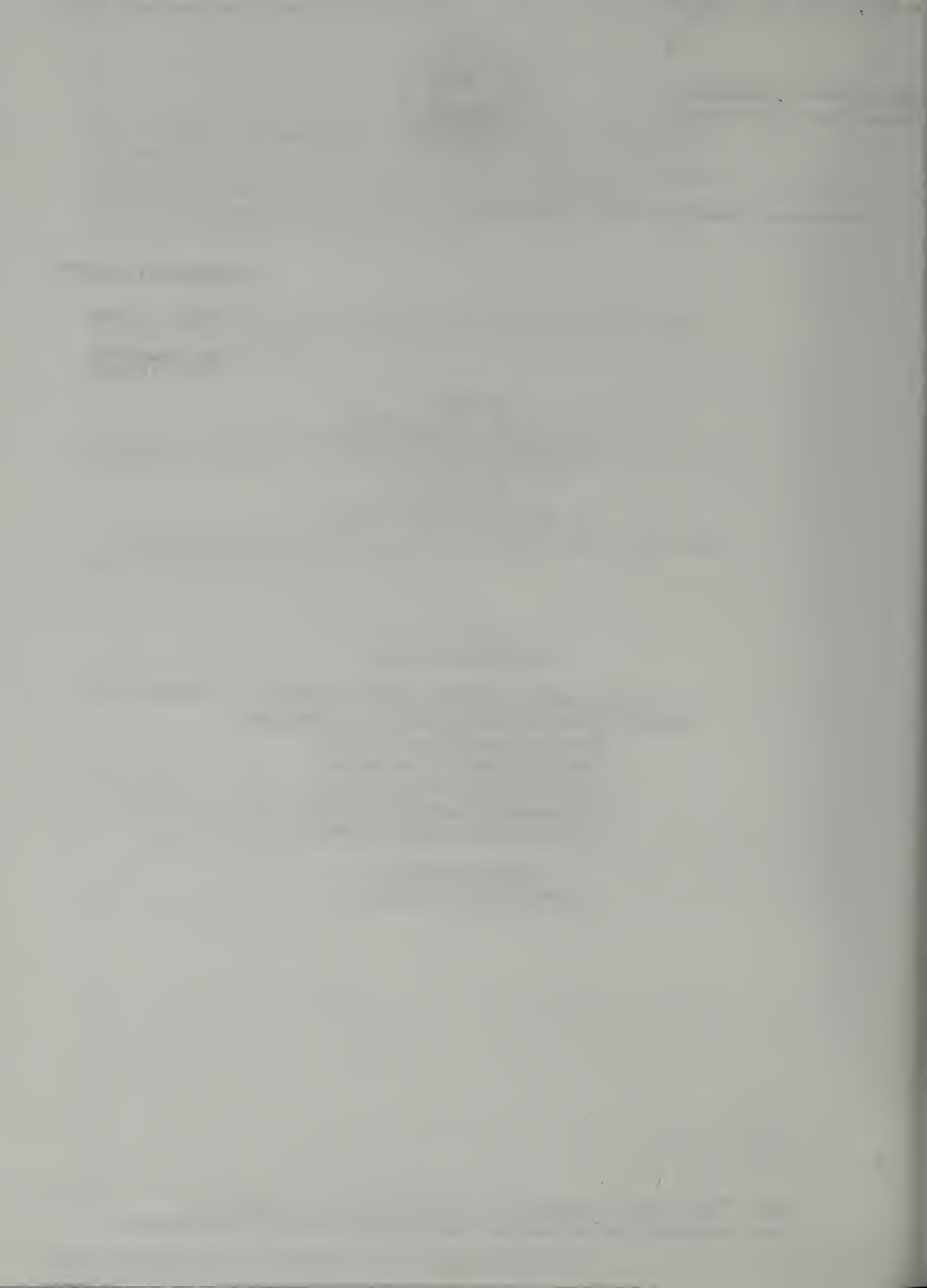
The Honorable Tony Winnicker

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY



ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Closed Session** to confer with counsel. [Estimated to take 30 minutes]
 - (a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d) concerning anticipated litigation. Number of possible cases: 1 as Defendant.
 - (c) Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - March 2nd Primary Election
 - Ranked Choice Voting (RCV) Update
6. **President's Report**
 - March 2nd Primary Election
 - Commission Strategic Calendar
 - Public Hearing Regarding Voter Turnout
7. **New Business**
 - (a) Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on February 18, 2004.
 - (b) Individual Commissioners will report of their observations of the March 2, 2004 Primary Election.
 - (c) Public comment regarding observations of the March 2, 2004 Primary Election.
8. **Discussion regarding items for future agendas.**
9. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

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Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

March 10, 2004

DRAFT



City and County of San Francisco

Elections Commission

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Minutes of the Meeting held

March 10, 2004

1. **CALL TO ORDER.** Vice President Mendelson called the meeting to order at 6:05 pm shortly before President Alix Rosenthal arrived.

- **2.ROLL CALL.** PRESENT: President Alix Rosenthal, Vice President Michael Mendelson, Richard Shadoian, Arnold Townsend, Tony Winnicker. EXCUSED: Robert Kenealey, Tom Schulz.

3. **Closed Session.** Began at 6:05 pm. Ended at 6:37pm.

Commissioner Townsend MOVED and Commissioner Shadoian SECONDED not to disclose the nature of the discussion that occurred in Closed Session.

4. **Director's Report**

Mr. Arntz reported that the March 2nd Primary Elections went well. All polls opened on

time except for one that opened at 7:10 am, but voting at that site began at 7:00 am. Statewide the voter turnout was 41%, however San Francisco's turnout was 42%. Phone calls into the Election Center were under one thousand and this is the least number of calls in recent memory. San Francisco was the first county of its size to report precinct results to the Secretary of State's Office. Mr. John Mott-Smith called the Director to tell him that San Francisco's can now be considered one of the "premiere" election departments in the state. Kevin Shelley, Secretary of State, sent his fourth congratulatory letter to the Department.

Thirty-Six Hundred people voted at City Hall. The Department mailed 103,000 absentee ballots and 73,000 were voted and returned. 5,500 provision ballots were cast with nearly 4,300 of these accepted. It is expected that the canvassing will be complete in three weeks. The Department is setting up a free access system which will allow voters who used provisional ballots to check if their ballot was counted and if not, they will receive information explaining why their ballot was not counted. Staffing in the Department during this election reached 240 workers. That number will drop to 100 next week.

Commissioner Shadoian asked the Director how many more votes the Green Party write in candidate needed to proceed to the November ballot. Director Arntz explained that the candidate needs 1% of the ballots cast for that office in the primary two years ago. That number is between 1400 and 1600. Currently the candidate has 1200.

The Director reported that the testing of the Ranked Choice Voting system began today in Rockford, Illinois, and is planned to be completed by this Friday. The Voting Procedures Panel is planning to meet on March 30th.

• 5. President's Report

President Rosenthal congratulated the Director and the Department on a job well done, particularly in light of the challenges presented, including numerous ballot types, new federal requirements, new procedures at the polling places.

She pointed out that many other California counties experienced serious problems on election day, which San Francisco was able to avoid. For example:

- In Orange County, as many as 7,000 voters may have received the incorrect ballot type. One central committee race was affected by the error.

- Napa County mailed the incorrect ballot type to 98 permanent absentee voters, and 34 of these ballots were voted and returned. The error may have affected the outcome of a close Supervisorial race.
- In Tuolumne County, 79 voters in one precinct received the incorrect ballot type, and those voters cast ballots in a bond election even though the voters were not eligible to vote in that election.
- In both San Diego and Alameda Counties, Diebold's touchscreen system had some technical problems. Because poll workers were not trained to deal with the problem, many polling places opened late.
- In Fresno, some of the optical scan ballots were not printed to specifications, and this caused problems on Election Day. The faulty ballots had to be set aside and counted by hand.
- In Sacramento County, many voters were not adequately educated about new optical scan ballots, and marked their ballots incorrectly. A large number of remakes were necessary to count the ballots.

The President said she had spoken with John Mott-Smith of the Secretary of State's office who remarked that the Department and Director did a great job and that he was surprised at how quickly the department has turned around.

Commissioner Winnicker asked the Director if there was information regarding a lawsuit filed on behalf of disabled voters who are seeking changes at polling places. Director Arntz replied that he was aware that a group is requesting that each polling place be supplied with at least one touchscreen or similar system so that a disabled voter can have more privacy when voting. Mr. Arntz reported that this was a federal suit that was filed in Los Angeles. Deputy City Attorney Julie Moll reported that the City has not yet been served with a copy of the complaint, when the complaint is served, she will distribute copies to the Commissioners.

Commissioner Rosenthal passed out the March-December 2004 Strategic Calendar and asked the Commission to make any additions necessary. She reminded the Commission of the Special Hearing at the March 17, 2004 meeting regarding ways to increase voter turnout.

Commissioner Townsend said that he would be placing calls on Sunday to church ministers as follow up to the Media Alert mailing sent to over 100 San Francisco churches by the Commission Secretary.

Commissioner Winnicker said that he had spoken with several people regarding ways to increase turnout and that increasing permanent absentee voters has been suggested.

The President said that she would present her draft of the 2003 Annual Report to the Commission for review at the April 21, 2004 Commission Meeting. The evaluation forms for the Commission Secretary will be distributed at the March 20, 2004 Retreat Meeting.

7. New Business.

- (a) **Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on February 18, 2004.** Commisisoner Mendelson MOVED and Commissioner Shadoian SECONDED to approve the minutes. The Motion CARRIED.

(b) **Individual Commissioners report of their observations of the March 2, 2004 Primary Election.** *Commissioner Winnicker* reported that he spent time at Election Central and visited several polling places with Sheriff's Deputy Rick Koehler. The Commissioner said he learned about ballot security and how important training is to a successful election. He complimented the Department on its training program for poll workers and the Sheriff's training, which he attended. Finally, the Commissioner stated, for the record, that the Chronicle's story of five votes being cast by deceased persons was a disservice to the citizens of San Francisco. He said there was no organized plan by any political group to affect the outcome of the election and the story had blown the entire situation out of proportion.

Vice President Mendelson reported that he was very impressed with the system used at Election Central to categorize complaints as they are received by the phone bank so that the most serious calls are handled immediately. He said he observed that the problems were remedied in a short amount of time, and he was impressed with the "patina" of calm that prevailed throughout City Hall. Having a less obvious police presence in the building added to this appearance, and helped to make City Hall appear more "voter friendly." The Commissioner said he spoke with people at one polling place and the workers there told him they have never felt more confident. He called to the Commission's attention the letter Secretary of State Shelley sent to the Director. The letter complimented the Director on the election with a personal, handwritten note.

Commissioner Townsend said that he votes absentee but visited several precincts to observe the election. He said he was extremely disappointed with the low voter turnout in the Bayview District precincts he visited. The Commissioner complained that candidates do not give these communities the attention they do in other communities and that the candidates "just write them off." He spent some time at City Hall and observed how smoothly the election was run and was impressed with the ethnic make up of the workers.

Commissioner Shadoian reported that things were very calm at Election Central. He observed that the staff was very confident and weren't exhausted as they were a couple of years ago. The Commissioner visited the holding area in the North Light Court of City Hall. This is where staff are posted awaiting assignment if a worker needs to be replaced and drivers are stationed at this location as well. He said the signage and atmosphere in this area has greatly improved. The Commissioner said he was impressed with the quality of these people – at the end of the day, they looked as ready as they had at the beginning of the day. He wanted to especially thank the Department of Parking and Traffic workers who always do a great job, and the high school students who were full of energy throughout the day. Commissioner Shadoian said he was happy to find that the list of voters at the Light House For The Blind had been changed to show the names in alpha order.

Commissioner Rosenthal said that she observed two precincts and Election Central. She observed nothing remarkable and this was very good. The only remarkable thing was that voters and staff were smiling and going about their work as though they really liked what they were doing. The Commissioner commented that once people have had adequate training and are comfortable in their assignments, it shows in their demeanor.

Pubic Comment. *Gerard Gleason* said that he met with former Commissioner Thomas Schulz who asked him to bring his observation to this meeting. Mr. Schulz had a concern about signage at a school where the entrance was not apparent. Mr. Gleason said that he thought the "I Voted" sticker/badge was a great touch.

Jay Martin said that during the December Runoff Election he observed a provisional ballot that he feels was mishandled. He wrote a letter to the DoE describing what he saw and making a couple of suggestions. He also asked, in his letter, whether a letter was appropriate or if he should take another avenue. Mr. Martin says he has not been contacted.

Commissioner Townsend announced that the Commission is invited to attend the African American Art and Culture Complex for the opening of a new professional recording studio facility for youth. The event is March 23rd at 5:30pm, at 762 Fulton Street near Webster Street. He said he hoped to use the recording studio to help increase voter turnout.

ADJOURNMENT at 7:27 pm.

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The Elections Commission

March 17, 2004

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AGENDA

ELECTIONS COMMISSION

Wednesday, March 17, 2004

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Gerard Gleason

The Honorable Tony Winnicker

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. Public Comment on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.

4. Discussion regarding Increasing Voter Turnout.

Members of the public are invited to speak before the Elections Commission to offer suggestions about how to encourage greater voter participation in San Francisco elections.

5. Discussion regarding items for future agendas.

6. Public comment on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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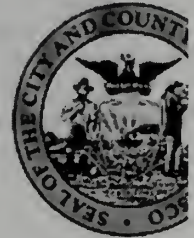
Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

March 17, 2004

DRAFT



City and County of San Francisco

Elections Commission

Approved: _____

Minutes of the Meeting held

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March 17, 2004

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1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:05 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Gerard Gleason, Tony Winnicker, Richard Shadoian and Arnold Townsend.
EXCUSED: Robert Kenealey.

President Rosenthal introduced the newest member of the Commission, Gerard Gleason.

Mr. Gleason thanked the Rules Committee and the Board of Supervisors for his appointment. The Commissioner said that the fact that he is a former employee of the Department of Elections has been a concern of some people and he wanted to allay those concerns. He said he wants to represent voters and he feels that his experience will act as a bridge between the Department and the public; and he will not be involved in the day-to-day work of the Department. Commissioner Gleason said that he wasn't at all surprised with the dramatic turnaround of the DoE because he knows the staff and how hard they work, and the Director who came up through the ranks. Finally, the

Commissioner said that he knows he has to fill the big shoes of his predecessor, Commissioner Thomas Schulz, but he is ready to face the many challenges ahead.

Commissioner Townsend welcomed the new Commissioner and stated that he looks forward to working with him however, he was disappointed, again, that a person of color was not chosen to fill the vacancy. Mr. Townsend said that it is "tragic" that the City cannot find a qualified minority representative, and that if those who made the search didn't find someone, then they probably were not qualified to do that search and should have hired an outside agency. Commissioner Townsend said that the Commission's makeup should better reflect the City's population.

3. PUBLIC COMMENT.

Otto Duffy, said that the DoE should be "optimizing" the optic eagle machines and minimize card stock weight. He said that he experienced incompetence from the poll workers on March 2nd. He suggested having S.F. City College close on Election Day and using those students as poll workers. *Caroline Devine* said that she was a candidate in the March election and a permanent absentee voter. She received her ballot but not her V.I.P. (Voter's Information Pamphlet). Ms. Devine stated that she had already voted when her V.I.P. finally arrived. *James L. Collins* said the reason there is low voter turnout is because there are no resources for voter education and that community-based organizations should be used to educate voters. He said that his absentee ballot arrived at his home long before his V.I.P. *Cedric Jackson* said that the Southeast Community does not have an adequate number of polling locations. This makes it especially difficult for seniors. He said that moving sites around makes it difficult for all voters. *Robert Haaland* agreed that there needs to be more polling locations and complained that voters find it difficult to walk to sites at the top of some of the City's steep hills. Public transportation lines should also be considered when determining where to place polling sites. Mr. Haaland said that, he too, received his ballot several weeks before he got his V.I.P. This, he said, defeats the purpose of the handbook. He encouraged the Commission to work with community groups to educate San Franciscans about Ranked Choice Voting (RCV). Mr. Haaland stated that he was in attendance when a DoE Outreach staff person made a presentation to a group, and he felt that the staff person didn't speak in a manner that was easily understood by the group. Mr. Haaland said that community groups do a better job of speaking to their community. *Eric-Allen Bass* complained that he has received his absentee ballots and VIPs erratically over the last four elections and that his name appears many times in the DoE's database. *Gerald Blue* said that minority communities need resources to be educated about RCV and that the City has done nothing to foster voter turnout in those communities. *Jennifer Meek* stated that she received both her ballot and guide late. She was poll inspector for the March election and the experience left her feeling that things didn't go very well and were unorganized. Two of her four poll workers didn't show up on time and one never came. Ms. Meek said replacement workers arrived but she felt that her workers and she were not adequately educated for their positions. *Michael Goldstein* encouraged the Commission to put resources into funding community groups to educate voters regarding RCV. He said his group has already identified six areas without education and the group intends to seek support from the Commission in the future for this purpose. *Charles Kalish* said that he was involved with an anti-fraud unit during the November 2003 election. He wanted to bring to the Director and Commission's attention that his unit mailed 18,000 pieces of information to voters and 16% of the mailing went to addresses that did not exist. He promised to return to the Commission with more information once his unit completes its study. *Terry Frye* said she does precinct walks and has found many addresses that don't exist and landlords

registered in buildings where they do not live. She claimed that she has provided this information to the Department but "nothing ever happens to it." Ms. Frye stated that she uses the information of voter's names and address that the DoE provides in her data entry work and there are many duplicates on this list. She offered to volunteer to help clean up the database. *Wade Woods* said when he has checked the voter registration lists outside polling places in the past, and he has been able to take down the list and check off the names of people who have voted. However, this year he wasn't allowed to do this. He was told the lists could not be removed. Mr. Woods complained that these lists are sometimes placed very high up on the walls and are difficult to see without removing them to check the names. He suggested that there be two lists, one that can remain at a table in the polling location where people can have access to it. *Christopher Bowman* congratulated Commissioner Gleason on his appointment. He said that state law permits the VIP to be distributed 40 days before the election and that this was the practice five years ago but is not being done presently. He said that when voters get the VIP on the Wednesday before an election, it is too late for them to request an absentee ballot. Mr. Bowman stated that there are 5 times more absentee ballots being cast since five years ago. This, he said, is the reason it takes longer to send out the absentee ballots. He recommended that the DoE allocate more staff to do this task and to send out the VIP 30 days before elections. *Robert Gruettner* said that he has worked in various capacities within the DoE over the past six months and has worked with elections in various over parts of the world. He said that he was concerned about write in voting and the possibility for voters to misunderstand how this process works.

President Rosenthal thanked the audience for attending and stated that Commissioners Winnicker and Townsend were responsible for getting the word out to the public about this special hearing. She asked the two Commissioners to speak briefly about their thoughts and Director Arntz to speak about the Department's outreach program.

Director John Arntz reported that the DoE has one permanent outreach position who organizes approximately eight temporary staff. These temporary employees usually are brought on board at the beginning of the fiscal year (July 1). Outreach is conducted in Spanish, Chinese and Russian. Staff attends community events and speaks to community groups. Often, voting equipment and sample ballots are taken to these meetings to demonstrate the voting process. These events are also used to recruit poll workers.

Commissioner Townsend thanked the audience for coming to the hearing. He said that his goal was to find out how the Commission could help to increase voter turnout and enhance democracy. He said a low voter turnout is dangerous to everyone and that 29% and 31% turnouts are fodder for dictatorship and totalitarian government. Ill-meaning people will get more encouragement when there is low turn out, he stated. If people have apathy and don't vote, the electorate does not address their issues. The Commissioner said that he welcomed the ideas and suggestions that the audience brings to the meeting. He said that earlier he had spoken with Commissioner Winnicker who had suggested that the Department have a nonprofit organization called something similar to "Friends of the Voter" to help raise funds for voter outreach.

Commissioner Winnicker thanked Commissioner Townsend for providing the leadership for the hearing. Mr. Winnicker said that his background has been in voter participation.

He said he hoped that San Francisco will lead the country in showing how to increase voter turnout and do it in a nonpartisan way. Although the City is financially broke, the Commissioner said he, the Commission and the Director are committed find ways to increase voter participation. He said that this November's election promises to be very high-profile and will engage the voters. This will give the City an opportunity to be creative and leverage public and private money in non-partisan ways to improve outreach. The voter turnout for San Francisco in the March election was higher than the state average and the Commissioner commended the Director for Department's past efforts. He said the City can do better and the Commission will work to make this happen.

Commissioner Gleason said that when he was in high school, his home room teacher came into the room and registered the 18-year-olds to vote. That, he said, is the kind of thing he'd like to see happen again. He reminded the Commission that Section 14000 – Privilege of the Voters, states that everyone is allowed two hours off work to vote without having wages docked. He said the City should look into taking down barriers to getting people to vote.

4. PUBLIC COMMENT.

Johanna Silva and Stephanie Ong suggested district early voting sites, and voting workshops, the City make a public announcement that voter participation is a priority, all agencies participate, that there be a well marketed public relations campaign to focus on registration, vote by mail and get out the vote.

Laura Spanjian suggested same day registration, making election day a federal holiday, requiring students to register to vote before they graduate, requiring drivers to register to vote before they register their cars at the DMV, allowing 16 – 18 year olds to vote, getting advocates out on street corners weeks before the election to remind voters when and where to vote, call back absentee voters to make sure they have returned their ballot.

Timothy Killikelly suggested that the students registering for college be asked if they want to register to vote. Statewide, there are 72 college districts in California, 4 are currently doing this.

Cedrick Jackson suggested that using faith-based organizations and established organizations to assist in outreach.

Anthony Imperial suggested working "outside the box" and making voting fun will work because it has in past events. His group worked on the recall election sponsoring Rock the Vote which was successful. He said large-scale events work well and he's interested in working with any of the groups or people interested in voter outreach.

Greg Richardson suggested that outreach starts with the decision making point, which is the Commission, and the make up of the Commission needs to racially reflect the City.

Jennifer Meek suggested cleaning up the voter rolls, a mobile voter registration program to go to street corners, educating people on the voting process, having something on the website that shows people how the vote goes through the process, making people feel safe when they go to vote.

Richard Marquez suggested including low income and poor people in the outreach process, building broad-based neighborhood coalitions and re-enfranchising felons.

Dion Manley suggested making sure people know if their polling location has changed – especially when it's been at the same location for many years and is changed, using people who are unemployed to do outreach – because this will also get them involved in voting themselves, better educate the public about absentee voting.

Daniele Erville suggested that the government notify citizens of changes in their communities - like a chain store moving into the area, and use that opportunity to register voters.

Robert Haaland suggested structural adjustments to make access easier for people to register and for voters to get to the polls.

Bill Barnes suggested having people talk to voters who come to the polls only every few years to encourage them to get involved in every election, mail postcards to citizens who are not registered to vote, place applications at post offices, entice or require property owners like landlords to large residency buildings to provide a space for voting, social services to provide voter registration applications and absentee applications.

Jonee Levy suggested outreach start early, and hiring a professional to oversee the seven months prior to this coming November election's outreach.

James Bryant suggested using the A. Phillip Randolph Institute to reach the low voter turnout areas, a mobile voting facility that could be called "City Hall In Your Neighborhood".

Richard Nicholls suggested that his group, Mission Agenda, is willing to go into buildings and areas where DoE staff would not be willing to go to reach citizens because of the dangers. He said his group is willing to do this without cost – the DoE and Commission need only to provide the literature.

Donna Linden suggested “tabling” in the streets to get people to register and/or absentee vote, and educating poll workers better regarding provisional voting.

Bill Murphy and Marty Borrego suggested using Mission Agenda to assist in the outreach because their members understand the people in their area and can talk to people “eye-to-eye” rather than on the telephone.

Terrie Frye suggested finding a way to allow precinct walkers who have checked the polling place lists and determined who has not voted, to go into residency buildings and low income housing that are locked so they can encourage the voters to go to the polls, and inform released felons that in California they have the right to vote.

Steven Hill suggested lifting barriers to vote, mobilizing voters on election day, every citizen to receive a registration card when they reach their 18th birthday, hire someone to do permanent absentee voter registration year round, weekend voting on odd election years.

Jay Martin suggested that visibility of polling places be increased and a sign that goes up the week before election day to indicate the location and the list of the names of the registered voters for that polling site.

Christopher Bowman suggested deputy registrars to go door-to-door in neighborhoods to encourage voting. He suggested that the City not contract with advocacy groups, reminded the Commission that college dorms have extremely low voter turnouts, and seeking funding from HAVA for a pilot project.

Laura Schacherer suggested posters reminding voters that if they have moved, even within the same precinct, they need to notify the DoE.

Brenda Henry suggested getting money from the Board of Supervisors, making polling places more accessible – not on top of hills, polling places “on site” so that voters will feel more comfortable.

Virgil Herndon suggested using radio and comcast television to inform voters.

Neil Miller suggested that once it is known to those around you that you have registered to vote, others are affected in ways you may not understand.

Charlene Smythe and Eddie Cantrell suggested that voter safety needs to be addressed because citizens won't vote if they feel threatened.

Commissioner Shadoian suggested that DoE staff attend all of the Mayor's Town Hall Meetings, that the Department involve the Housing Authority, that every notice that is sent out by the Tax Collector have voter information, that every notice that the City sends to the public ask "Have you registered to vote?" on it.

5. Discussion regarding Items for future agendas.

President Rosenthal pledged to put many of the items suggested at tonight's meeting on upcoming Commission agendas. *Commissioner Shadoian* suggested that the Commission consider a policy to have early voting stations in each precinct seven days before elections. He said he'd like to see the costs associated with this proposal and also with having early voting seven days before elections instead of thirty days in City Hall.

President Rosenthal announced that the Commission Retreat that was scheduled for Saturday, March 20th has been postponed because City Hall will be closed.

ADJOURNMENT at 9:00 PM.

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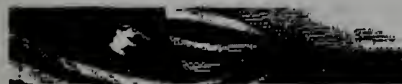
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The Elections Commission

March 20, 2004 - Commission Retreat



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MAR 16 2004

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Saturday, March 20, 2004

City Hall, Room 278

1 Dr. Carlton B. Goodlett Place

11:00 am

Members of the public wishing to attend this meeting are asked to enter the building at the Grove Street side entrance.

COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Gerard Gleason

The Honorable Tony Winnicker

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

ELECTIONS COMMISSION RETREAT

Saturday, March 20, 2004

ORDER OF BUSINESS

11:00am OVERVIEW OF COMMISSIONS

Presentation by Buck Delventhal, City Attorney's Office

11:30am OPEN GOVERNMENT LAWS

Discussion of requirements and prohibitions found in the San Francisco Sunshine Ordinance, Ralph M. Brown Act.

[Presentation by representatives of the City Attorney's Office]

12:00pm LUNCH

12:30pm CHARTER REQUIREMENTS

Discussion of specific charter provisions applying to Commissioners' activities, including ethical constraints and political activities.

1:00pm APPOINTING AUTHORITIES

Discussion of relationship between Commissioners and their appointing authorities, including any applicable charter provisions.

1:15pm BREAK

1:30pm COMMITTEES

Discussion of committee structure and committee appointments, including any necessary amendments to Commission Bylaws, and changes to regular committee meeting times.

2:00pm **COMMISSION OFFICERS**

Discussion of roles of Commission President and Vice President, including terms of office, process for placing items on Commission agendas, including any necessary amendments to Commission Bylaws.

ADJOURNMENT

Disability Access

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MAR 18 2004

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San Francisco

**AGENDA
ELECTIONS COMMISSION
RETREAT**

Saturday, March 20, 2004
City Hall, Room 278
1 Dr. Carlton B. Goodlett Place
11:00 am

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

47

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cancelled

San Francisco

**AGENDA
ELECTIONS COMMISSION
RETREAT**

Wednesday, April 7, 2004
City Hall, Room 82
1 Dr. Carlton B. Goodlett Place
5:00 pm

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ELECTIONS COMMISSION RETREAT

Wednesday, April 7, 2004

ORDER OF BUSINESS

- 5:00 pm **OVERVIEW OF COMMISSIONS**
Presentation by Buck Delventhal, City Attorney's Office
- 5:30 pm **OPEN GOVERNMENT LAWS**
Discussion of requirements and prohibitions found in the San Francisco Sunshine Ordinance, Ralph M. Brown Act.
[Presentation by representatives of the City Attorney's Office]
- 6:00 pm **CHARTER REQUIREMENTS**
Discussion of specific charter provisions applying to Commissioners' activities, including ethical constraints and political activities.
- 6:30 pm **APPOINTING AUTHORITIES**
Discussion of relationship between Commissioners and their appointing authorities, including any applicable charter provisions.
- 6:45 pm **BREAK**
- 7:00 pm **COMMITTEES**
Discussion of committee structure and committee appointments, including any necessary amendments to Commission Bylaws, and changes to regular committee meeting times.
- 7:30pm **COMMISSION OFFICERS**
Discussion of roles of Commission President and Vice President, including terms of office, process for placing items on Commission agendas, including any necessary amendments to Commission Bylaws.

ADJOURNMENT

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THIS MEETING HAS BEEN CANCELLED

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**AGENDA
ELECTIONS COMMISSION
RETREAT**

Wednesday, April 7, 2004
City Hall, Room 82
1 Dr. Carlton B. Goodlett Place
5:00 pm

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, April 21, 2004
7:00 P M
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. Public Comment on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

4. Director's Report

- March 2, 2004 Election
- Ranked Choice Voting
- Voter Services Division
- Campaign Services Division
- Poll Locating
- Training
- Ballot Distribution
- Technology Division
- Budget/Personnel Update

5. President's Report

- Annual Report
- Commission Retreat Update
- Participation of the League of Women Voters in nominating members of the Ballot Simplification Committee
- Evaluations of Commission Secretary and Director
- Commission Meeting for May 5, 2004
- Election of Commission Officers

6. New Business

- (a) Discussion and possible approval of Elections Commission Minutes for Commission Meetings held on March 10, 2004 and March 17, 2004.
- (b) Discussion concerning rules and procedures for processing and counting write-in votes. NOTE: The rules for counting write-in votes are stated in Section 15342 of the California Elections Code (a copy of which is attached to this agenda). The State Legislature adopted these rules, which are mandatory, and the Director of Elections and the Elections Commission have no discretion to disregard these rules. (A copy of a City Attorney opinion discussing Section 15342 is also attached.)
- (c) Discussion regarding Ranked Choice Voting outreach and education.
- (d) Discussion of possible means of encouraging and promoting voter participation, including some of the suggestions made at March 17 outreach hearing, a list of which is attached to this agenda.
- (e) Discussion regarding possible amendments to Commission Bylaws to make certain the terms of Commission officers, and the Commission's ability to remove its officers before the conclusion of their terms. The relevant section of the bylaws is attached to this agenda.

- (f) Discussion and possible action to propose to the Board of Supervisors a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the March Statewide primary election to the following November general municipal election.
 - (g) Discussion and possible action to amend the Commission Bylaws to require the Commission to establish and maintain an Elections Commission Operation Calendar.
7. **Discussion regarding items for future agendas.**
 8. **Public comment** on any issue within the Elections Commission's general jurisdiction.

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Taken from: **2004 California Elections Code**

Article 3. Processing Write-In Votes

15340. Write-in votes.

Each voter is entitled to write the name of any candidate for any public office, including that of President and Vice President of the United States, on the ballot of any election.

(Added by Stats. 1998, c. 1073, §31.)

15341. Compliance with Part 3 of Division 8 for counting write-in votes.

Notwithstanding any other provision of law, no name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has complied with Part 3 (commencing with Section 8600) of Division 8.

(Added by Stats. 1998, c. 1073, §31.)

15342. Counting of write-in votes.

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below:

(a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions.

(b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.

(c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.

(d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.

(e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

(Added by Stats. 1998, c. 1073, §31.)

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

JULIA A. MOLL
Deputy City Attorney

DIRECT DIAL: (415) 554-4705
E-MAIL: julia.moll@sfgov.org

MEMORANDUM

TO: JOHN ARNTZ
Director of Elections

FROM: JULIE MOLL *JM*
Deputy City Attorney

DATE: March 23, 2004

RE: Processing Write-In Votes

You requested advice concerning the processing of write-in votes where the voter's intent is clear but where the voter failed to mark the ballot as specified in the voting instructions. This memorandum confirms our advice. Please let us know if you have questions about this memorandum.

Question Presented

May the Department of Elections count a vote for a write-in candidate if it is clear that the voter intended to vote for a particular write-in candidate for a particular office, but the voter failed to mark the ballot as specified in the voting instructions (the voter failed to "connect the arrow" next to the space provided for write-in candidates)?

Summary of Advice

No. California Elections Code Section 15342(a) specifically provides that "no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions." For this reason, even if the voter clearly indicates his or her choice of a write-in candidate for a particular office, the voter's failure to mark the optical scan ballot as specified in the voting system instructions invalidates the write-in vote, and the Department of Elections may not count the vote. Even prior to the adoption of Section 15342(a), the California Court of Appeal had held that write-in votes may not be counted when cast in conflict with ballot instructions, even when voter intent is reasonably clear.¹ Nonetheless, an invalid write-in vote does not invalidate the entire ballot. The Department of Elections is required to count all *lawfully cast* votes for candidates and measures on the ballot.

¹ On March 22, 2004, I discussed this issue with members of the California Secretary of State's staff and they agreed with this advice. The Secretary of State's office is the agency charged with administration and enforcement of the California Elections Code. For this reason, its interpretation would be a significant factor considered by a court when determining the meaning and application of the Code. See *Coca-Cola Co. v. State Board of Equalization* (1945) 25 Cal.2d 918, 921; see also *Andal v. Miller* (1994) 28 Cal.App.4th 358, 365, note 3;

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: JOHN ARNTZ
Director of Elections
DATE: March 23, 2004
PAGE: 2
RE: Processing Write-In Votes

Background

Using San Francisco's optical scan voting system, voters are instructed to "complete the arrow" next to their candidate of choice and next to either the "yes" or "no" following each ballot measure. To vote for a write-in candidate, voters are instructed to, "WRITE THE PERSON'S NAME ON THE BLANK LINE PROVIDED AND COMPLETE THE ARROW" (upper case in the original). These voting instructions are printed on each ballot card, in English, Spanish and Chinese.

In the March 2, 2004 Consolidated Primary Election, Terry Baum was a qualified write-in candidate for the Green Party's nomination for United States Congressional District 8. Ms. Baum ran unopposed. Although unopposed, Ms. Baum was required to receive at least 1,605 votes to qualify to have her name printed on the ballot for the November 2, 2004 Consolidated General election. Cal. Elections Code § 8605(a) (no write-in candidate at a direct primary election may qualify to have his or her name printed on the ballot for the following general election unless the candidate receives votes equal to at least one percent of all votes cast for the office at the last general election at which the office was filled).

During the initial canvass of election results for the March 2, 2004 election, the Department of Elections determined that Ms. Baum received 1,430 votes.² At the request of Ms. Baum, the Department then reviewed, by hand, all remaining Green Party ballots.³ The Department determined that 229 additional voters wrote Ms. Baum's name on the ballot but did not connect the arrow next to the space for write-in candidates, as specified in the voting instructions for the City's optical scan voting system. Because these voters did not connect the arrow, the City's optical scan voting equipment could not detect that write-in votes were cast on these ballot cards.

You asked us to advise you whether the additional 229 votes are valid – whether you are required to or prohibited from counting these additional votes for Ms. Baum. If the additional votes are valid, Ms. Baum would have more than the 1,605 required to qualify to have her name printed on the ballot for the November 2, 2004 Consolidated General election.

² All information contained in this memorandum concerning the number of ballots cast in the March 2, 2004 Consolidated Primary Election is current as of today's date. These numbers may and are in fact likely to change as the Department of Elections completes its canvass of results. The Department is required to complete the canvass no later than March 30, 2004.

³ In the March 2, 2004 Consolidated Primary Election, a total of 175,754 partisan ballot cards were cast in San Francisco. Of this total, only 5,509 ballots were cast by members of the Green Party. In contrast, 139,953 Democratic Party ballots and 24,472 Republican Party ballots were cast.

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: JOHN ARNTZ
Director of Elections
DATE: March 23, 2004
PAGE: 3
RE: Processing Write-In Votes

Discussion

California law provides that votes cast *in accordance with State elections laws* shall be counted. Cal. Const. Art. II, § 2.5. California law further provides that, under certain circumstances when a ballot is unreadable by the vote counting and tabulating equipment, the elections official must remake the ballot to reflect and give full effect to voter intent. Cal. Elections Code § 15210 (when a ballot is unreadable by the voting equipment because the ballot is torn, bent or otherwise defective, the elections official shall remake the ballot "following the intention of the voter insofar as it can be ascertained from the defective ballot.")

Although, as a general rule, all *lawfully cast* votes must be counted and certain *lawfully cast* but defective ballots must be remade to give full effect to voter intent, votes that are *not* properly cast under State elections laws are invalid and may not be counted. See, e.g., Cal. Elections Code § 15154(a) (any ballot that is not marked as provided by law, or that is marked or signed by the voter so that it can be identified by others, is invalid and shall not be counted); § 15342(c) (use of a sticker or stamp to indicate the name of a write-in candidate on the ballot is invalid, and the write-in vote shall not be counted).

State elections laws specifically provide that elections officials *shall not* count write-in votes if the voter fails to mark the box, arrow or other space next to the write-in candidate's name as directed in the voting instructions. Cal. Elections Code § 15342(a). This rule may seem contrary to both public policy and common sense if ballots are invalidated even though voter intent is reasonably clear. Nonetheless, Section 15342(a) appears designed to ensure the uniform treatment of write-in votes.

Specifically, Section 15342(a) appears designed to ensure that when machines (such as the City's optical scan voting equipment) are used to count or tabulate votes, the machines can detect and record the write-in votes.⁴ The current voting system technology does not detect

⁴ Compare Cal. Admin. Code § 20103 (a *lawfully cast* write-in vote may be counted even if the candidate's name is misspelled or incomplete if the name as written bears a reasonable resemblance to the name of a qualified write-in candidate, and there is no reasonable doubt about the voter's intent); § 20102 (a *lawfully cast* write-in vote may be counted even if no office is indicated if the candidate is a qualified write-in candidate for that office and there is no reasonable doubt about the voter's intent); § 20104 (a *lawfully cast* write-in vote may be counted even if the candidate's name is misspelled or incomplete and no office is indicated). Sections 20102, 20103 and 20104 demonstrate a significant distinction made under California law: As long as a write-in vote is *lawfully cast* and recorded in a manner that can be detected by the vote count and tabulation equipment, and as long as there is no reasonable doubt about voter intent, the vote will not be invalidated based on a spelling or technical error. (The reader should note that because San Francisco's voting system provides a space to write-in candidates directly below the list of candidates for each elective office, voters are not instructed or required to indicate the office.)

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: JOHN ARNTZ
Director of Elections
DATE: March 23, 2004
PAGE: 4
RE: Processing Write-In Votes

write-in votes unless the arrow is connected. In this case, because there were only 5,509 ballots cast by members of the Green Party, the Department of Elections was able to comply with Ms. Baum's request to examine every ballot by hand. As indicated in foot note 3, above, San Francisco voters cast a total of 175,754 partisan ballots in the March 2, 2004 Consolidated Primary Election. This total includes 139,953 Democratic Party ballots and 24,472 Republican Party ballots. In an election with qualified write-in candidates in multiple contests and in each political party, it would be extremely difficult if not impossible for San Francisco (and other large counties such as Los Angeles and Sacramento) to examine every ballot card by hand. By requiring that the voter cast write-in votes in a manner that can be detected by the vote count and tabulation equipment, Section 15342(a) ensures that all write-in votes are treated the same – that the counting of a write-in vote is not left to chance that an elections worker might notice that a name was written on the ballot.

The California Court of Appeal recognized the need for uniform treatment of write-in votes in a case very similar to the current situation. In *Fair v. Hernandez* (1981) 116 Cal.App.3d 868, the court considered the validity of four write-in votes where the voters clearly indicated the name of the write-in candidate by writing it on either the front or back of San Bernardino's punch card ballot. There was no doubt as to voter intent, but the voting system was not designed for write-in votes to be recorded on the punch card ballot. Instead, voters were instructed to record write-in votes on the secrecy envelope containing the punch card ballot. The secrecy envelope had a specially-designed section for write-in voting, and was counted and tabulated by hand. The *Fair* court held that the four write-in votes were invalid: "In each of these four instances the will of the voters was evident But it is not enough to find out generally the voter's will, such will must be expressed in the manner prescribed by law." *Fair*, 116 Cal.App.3d at 875.

As noted above, this result may seem contrary to both public policy and common sense. Nonetheless, since the Court of Appeal issued its decision in the *Fair* case in 1981, the California Legislature has reaffirmed this rule and made the rule even more restrictive.

In 1994, the Legislature adopted a comprehensive revision of the California Elections Code. Included in this revision was former Section 15350, which stated:

Any name [of a qualified write-in candidate] written upon a ballot, including a reasonable facsimile of the spelling of a name, shall be counted . . . for the office under which it is written, if it is written in the blank square therefor, whether or not a cross (+) is stamped or made with pen or pencil in the voting square after the name so written.

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: JOHN ARNTZ
Director of Elections
DATE: March 23, 2004
PAGE: 5
RE: Processing Write-In Votes

(Emphasis added.) Consistent with the ruling in *Fair*, the Legislature explicitly stated that a write-in vote would be invalid if written in the wrong place on the ballot. Significantly, under that rule, as long as the voter recorded the write-in vote in the correct space, failure to mark the ballot according to the voting instructions would not invalidate the vote. If former Section 15350 were still in effect, our advice in this matter would be different.

In 1998, the Legislature repealed former Section 15350 and replaced it with Section 15342(a). As discussed above, Section 15342(a) explicitly states elections officials *shall not* count write-in votes if the voter fails to mark the ballot as directed in the voting instructions. San Francisco's voting instructions state: "TO VOTE FOR QUALIFIED WRITE-IN CANDIDATE, WRITE THE PERSON'S NAME ON THE BLANK LINE PROVIDED AND COMPLETE THE ARROW." For this reason, even if a voter clearly indicates his or her choice of a write-in candidate for a particular office, the voter's failure to connect the arrow as specified in the voting instructions invalidates the write-in vote, and California Elections Code section 15342(a) prohibits the Department of Elections from counting the vote.

Finally, an invalid write-in vote does not invalidate the entire ballot. The Department of Elections is required to count all *lawfully cast* votes for candidates and measures on the ballot. Cal. Const. Art. II, § 2.5.

J.A.M.

cc: Members, San Francisco Elections Commission

City & County of San Francisco Elections Commission

Selected Suggestions from the March 17th Low Voter Turnout Hearing

1. A non-profit organization, perhaps "Friends of the Voter," to help raise funds for voter outreach.
2. Outreach to high schools to register 18-yr-olds.
3. Advocating early voting sites in each supervisorial district.
4. Public service announcements.
5. All City agencies to participate in getting the word out to register to vote. Foreexample, Tax Collector, Housing Authority, Water Bills. Place registration forms in all city departments and post offices. When notice is sent by any government agency informing citizens of changes in their neighborhood, use that opportunity to register voters.
6. Advocate the following changes in state or federal law: same day registration; making election day a federal or statewide holiday; holding elections on weekends; lowering the voting age.
7. Absentee voters to be called and reminded to return their ballot.
8. A large-scale event like "rock the vote" to put "fun" into the outreach effort. Make the cover charge be registration.
9. Use a mobile voter registration program to go to street corners.
10. Add page to DoE website that shows how a vote goes through the process.
11. Ask law enforcement to help make polling places safer in dangerous areas.
12. Notify felons of their voting rights.
13. Target voters who only vote every four years to encourage them to vote in all elections.
14. Mail postcards to citizens who are not registered to vote. Every citizen to receive a registration card when they reach their 18th birthday.
15. Check the polling sites' lists in areas with high occupancy residential buildings, to determine who has not voted, and then go into those buildings to encourage the voters to go to the polls.
16. Hire a staff member whose sole focus is permanent absentee voting.
17. A sign should go up at polling place the week prior to election day to indicate the location of the polling site and the list of names of the registered voters for that site.
18. DoE staff to attend all of the Mayor's Town Hall Meetings.

19. Write frequent Press Releases for non-voters giving examples of how they can make a difference in their own lives and their surroundings by the way they vote.

Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

April 21, 2004

City and County of San Francisco

Elections Commission

Approved: May 19, 2004

Minutes of the Meeting held

April 21, 2004

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1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:08 pm.

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• **2.COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson,

Alix Rosenthal, Gerard Gleason, Tony Winnicker, and Arnold Townsend.

EXCUSED: Robert Kenealey and Richard Shadoian.

3. **Public Comment.** *Caleb Kleppner*, of the Center for Voting and Democracy, advised the Commission that he had been invited to observe the testing of voting equipment at Rockford, Illinois, as an outside, third-party representative. Mr. Kleppner said that the testing was successful and that the voting panel approved the equipment for use in the November 2004 election.

4. **DIRECTOR'S REPORT.**

March 2, 2004 Election – the election was certified on March 25, 2004. Last week the Board of Supervisors declared the results. There is a lawsuit filed by an unsuccessful

candidate, Terri Baum, regarding invalid write-in ballots.

Ranked Choice Voting (RCV) – the system is close to certification. There are a few more requirements of Elections Systems and Software (ES&S) requested by the Voter Systems and Procedures Panel (VSP). The major requirement for completion is the report by the federal authority on the “firmware.” The report is expected to be completed by the May 10 deadline. Additionally, an “audit trail” must be accomplished. This procedure will allow for manual voting such as voting for write-in candidates. The Commission and voters are reminded that this conditional certification is for one time use only.

The VSP indicated that if the system is successful in November, other counties may come forward and petition to use it.

Today, the Board of Supervisors’ Rules Committee considered a resolution to encourage the Department to adopt an experimental voting system, not already certified by the Secretary of State, in case the ES&S system is not certified. This resolution was not necessary because we are confident that the ES&S system will be certified. Furthermore, the code section authorizing the adoption of experimental election systems only allows the adoption of systems previously certified. For example, the Department experimented with the Eagle system in 25 precincts when it was looking to replace the old punch cards in 1997-98. The resolution introduced today did not go any further than the committee level.

Another issue gaining attention is accessibility for disabled voters in using touch screen and ranked choice voting. On May 19, the Department goes before the Rules Committee to demonstrate that these voters will be able to vote their ballots without the assistance of another person.

Voters Services Division – this division is currently receiving large numbers of state petitions for initiatives. These petitions are arriving much earlier than in the past and there is the possibility of fifty petitions being on the November ballot. The arrival of all these petitions has had an effect on the division’s ability to enter voter information and to purge information in the voter files. The Division brought back two more staff to assist in handling these petitions.

Campaign Services – this division will be hosting its first “Brown Bag Luncheon” for candidates next Thursday, April 29. This is the first time the Department will explain the ranked choice voting procedure in a public forum. The division is reviewing its guides for ballot arguments.

Poll Locating – the division is cataloging all past precinct locations to determine their accessibility. We will be checking our information with the Mayor’s Office on Disability,

the Department of Justice and local groups to ensure that the information the Department uses regarding location accessibility is current. The information will be used to create a data base of accessible polling locations.

Training – this division is organizing how to bring workers into the Department. Improving upon the information given to poll workers is a priority as well as the inclusion of information on RCV.

Ballot Distribution – the division is organizing the files from the last four elections and checking procedures for the development of the election calendar for November. The staff in this division will be taking time off shortly.

MIS – this division is in the process of organizing and cleaning up our filing system. The Department creates so much information during each election that the servers sometime crash. It is necessary to recheck the files to make sure all the information is entered and is valid because it is used again for future elections.

Budget/Personnel Update – Today the Budget and Finance Committee of the

Board of Supervisors met and discussed the Department's use of Deputy Sheriffs during elections. Essentially, the committee agreed with the Sheriff's and Elections Departments that we will continue to find more effective and efficient ways to use Deputies this fall and to consider other ways of picking up the ballots.

Director Arntz pointed out the new flyers on RCV that were available at the information table of this meeting. He said that these were the first step in the outreach for RCV and that he expects to get feedback from the people who have

reviewed the information on the cards.

Commissioner Winnicker asked the Director if ES&S had to go before the VSP again once it has completed the remaining, pending conditions. Director Arntz stated that the VSP did not set a second hiring date and that the Secretary of States' Office is monitoring ES&S's progress. Commissioner Winnicker asked to whom the report due on May 10th goes. Mr. Arntz replied that this is when the federal report, that the firmware is acceptable and the necessary procedures requested by the VSP will have been accomplished, will be done. The Commissioner asked the Director if he had any doubts or serious concerns that the certification will be accomplished and there will be Ranked Choice Voting in November. Mr. Arntz answered that he can't say that it is a guarantee, but everything has gone much further than it had at this time last year and it would be remarkable if the system wasn't in place for this year's City elections. He warned that it is not a "done deal." Commissioner Winnicker asked if ES&S doesn't have a system ready, when would the Director come to the Commission with a backup system. Mr. Arntz answered that the Department will be developing a backup process in any event.

Commissioner Townsend asked the Director if he had created a timetable for outreach. Mr. Arntz replied that the cards he has presented today are the first step of the initial outreach. The candidate workshop that will occur next week is a part of the outreach as well as the development of the grant packages for participation of community groups in the outreach process.

Commissioner Winnicker asked if a meeting of the VSP was required to approve the remaining conditions for certification. Director Arntz answered that as long as the conditions are completed, the VSP will issue a certification letter. It is expected that everything will be done.

Commissioner Winnicker asked if there were any other conditions to the certification process of which the Commission should be made aware. Mr. Arntz replied that the subject of tiebreakers must be resolved by September 1, 2004. State law explains what to do for candidates who tie in a win but doesn't explain the procedure for candidates who tie in a loss. With RCV, the lowest vote gathering contestant is eliminated, so what is to be done if there is a tie among the lowest vote gathering contestants.

President Rosenthal recognized Mr. Joseph Taggart of ES&S in the audience and asked if he would like to speak. Mr. Taggart said that his company now has a document that says that its equipment is now conditionally certified for ranked choice voting for a one-time election use. Mr. Taggart stated that all soft and firm ware has passed the Federal ITA's (Independent Testing Authority) examination and has been deemed operable. It operates within the specifications for ranked choice voting as defined by the City and County of San Francisco. The additional conditions deal with three chips: one that captures the ballot image, one that sits in the memory pack and one that sits on the mother board. These three chips are being examined to see that the additional software that ESS&S created does not have a "Trojan Horse", is not accessible with wireless technology for tampering and is not connecting online with the internet. This will be an upper level software review. The determination that these chips work has already been made by the state and federal authorities. Mr. Taggart said that he hoped to have a plan for dealing with the audit trail to Director Arntz next week.

Commissioner Winnicker asked Mr. Taggart if the tie issue was part of the audit trail. Mr. Taggart said it wasn't and that the issue of resolving ties is something for the Department to decide.

Director Arntz added that the final condition put on the use of the equipment by the VSP was that all equipment used for RCV be certified by the State by the time of the election.

• **5.PRESIDENT'S REPORT.**

Commissioner Rosenthal said that she plans to work all next week on the Annual Report and will be submitting the first reading to the Commission at the May 19th meeting.

Election of Commission Officers – President Rosenthal stated that she will not be seeking reelection as President of the Commission.

Commission Retreat – President Rosenthal explained that the retreat has been scheduled numerous times but had to be cancelled due to events beyond the Commission's control. The new President shall decide the necessity of having a retreat once that person is elected.

Participation of the League of Women Voters in nominating members of the Ballot Simplification Committee (BSC) - President Rosenthal explained that this issue came before the Commission last year, and the Commission agreed to allow the League to continue its involvement and that the Commission would revisit the issue annually. Deputy City Attorney Julia Moll reminded the Commission of the short history of this issue. The law states that the League nominate a member for the Ballot Simplification Committee. The Commission has no power to change this law but can recommend that the Board of Supervisors do so. There had been discussions among Board members, before the Elections Commission was created, about the League's continued involvement because the league had started endorsing local ballot initiatives. When the League endorsed a measure, the League nominee could not participate in the BSC proceedings. This became an issue when the Ballot Simplification Committee failed to get a quorum. More recently, the League's continued involvement was an issue because of poor attendance at Committee meetings by the League's nominee. For these reasons, the League of Women Voters' participation has been a concern.

Ms. Moll said that the Commission President will be sending a letter to the League to let them know that the issue is up for consideration and give them an opportunity to come to a Commission Meeting and indicate whether they are likely to take positions on local ballot measures in the future and to answer any questions the Commission may have regarding their continued participation in the nomination of a member of the Ballot Simplification Committee.

Commissioner Townsend asked if the Commissioners could get information regarding who are the nominators of the Ballot Simplification Committee members and who are the members. Ms. Moll said that the nominators are: Association of Broadcast Journalists, Editorial Board Writers, Superintendent of Schools and the League of Women Voters.

Evaluations of the Commission Secretary and Director of Elections – The President collected the forms from the Commission members for the Secretary's evaluation and advised the members that the form for the Director was in their packets for this evenings' meeting. She requested that the Director's evaluations be returned to

her by the May 5, 2004 meeting. The President said that she will develop a composite of all the Commissioners' evaluations and present it to the Secretary during closed session at the May 5, 2004 meeting. Director Arntz' review will be during closed session on May 19, 2004.

Commissioner Winnicker said that he will be unable to attend the May 5, 2004 meeting because he had another meeting out of state and raised the possibility of revisiting the Commission Meeting schedule of two meetings a month due to the upcoming issues of RCV and Outreach in preparation of the November 2004 election.

6. NEW BUSINESS: Note: Items were taken out of order with action items taking priority.

- **(a) Discussion and possible approval of Elections Commission Minutes for Commission Meetings held on March 10, 2004 and March 17, 2004.** Commissioner Mendelson MOVED to approve and Commissioner Winnicker SECONDED the approval of the minutes. Commissioner Gleason moved to be excused from voting on the Minutes for March 10 because he was absent from the meeting. Excusal of Commissioner Gleason from voting was SECONDED by Commissioner Winnicker. The motion CARRIED. Vote on approval of minutes for March 10, 2004 – CARRIED. Motion to approve minutes for March 17, 2004 – CARRIED.
- **(f) Discussion and possible action to propose to the Board of Supervisors a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the March Statewide primary election to the following November general municipal election.** Commissioner Mendelson MOVED to adopt the resolution. Commissioner Gleason SECONDED. Commissioner Gleason explained the purpose of this proposal. He explained that originally, the two offices were put on the March ballot in anticipation that if one candidate did not receive a majority plus one of the votes, there could be a runoff election the following November. This, he said he believed was done to eliminate a second runoff election. When the City adopted the election of members of the Board of Supervisors by district, San Francisco was required to randomize the candidates based on the supervisorial districts, unless a county had more than four assembly districts wholly or partly within the county. Because the City has two assembly districts, it also the only county with eleven supervisorial districts. During the recent March Primary, there was no countywide office on the ballot. The Department had to create eight variations of the ballot. In the March 2002 primary, the variations with the random rotation for the two offices (Public Defender and Assessor/Recorder) were 29 different ballot types. These were multiplied by the number of parties. Because of the open modified primary, the City ended up with twelve distinct party ballots. The number of ballots the City had in November 2002 was 348. During the last election, 56 ballot types were created.

Director Arntz added that moving the two offices to the November election, with RCV, would probably be a better approach because it would be less confusing and cheaper.

Commissioner Townsend said that he would prefer that there be a public hearing before Charter amendments are proposed by the Commission so that the parties involved, who might have input unique to their particular office, could speak, and the public could have a chance to offer input.

Public Comment – *James Bryant* said that a public hearing should be held before the Commission votes. *Richard Matthews* suggested that the resolution be corrected to reflect that elections are held not on the first Tuesday in November but on the first Tuesday after the first Monday of November. Commissioner Gerard agreed to amend his resolution. *Commissioner Mendelson* reminded the Commission that this is only a recommendation to the Board of Supervisors and that the public would have the opportunity to address its concerns before the Board, should the Board decide to take the Commission's recommendation for an amendment. Commissioner Winnicker asked about the deadline for placing Charter Amendments on the ballot. Director Arntz said that it would be sometime in August.

Commissioner Winnicker said that he supports the resolution and requests that the Commission postpone any decision until the next meeting so that members of the public can make their opinions known.

President Rosenthal asked Commissioner Mendelson if he was willing to table the motion, subject to the call of the chair for the next regular Commission Meeting. Commissioner Mendelson agreed. MOTION made hold this item to the call of the chair. President Rosenthal said that the proposed resolution will be on the May 19, 2004 agenda.

- (g) **Discussion and possible action to amend the Commission Bylaws to require the Commission to establish and maintain an Elections Commission Operation Calendar.** Commissioner Mendelson MOVED and Commissioner Winnicker SECONDED the proposed amendment. Commissioner Mendelson explained that the motion takes the President's operations calendar further by making it a Commission Operation Calendar that will give the public, Department and Commission a chronic institutional memory of events.

Commissioner Winnicker asked if the calendar was binding. Commissioner Mendelson said that the Bylaw makes it clear that it is not binding, is advisory only and can be changed with or without notice. He said it is a general advisory to the public.

Commissioner Townsend said that he liked the idea of the calendar.

MOTION CARRIED.

- (b) Discussion concerning rules and procedures for processing and counting write-in votes.

Public Comments – *Patrick Love* asked the Commission to not act contrary to policy and contrary to common sense. He said that the voters' clear intent makes for a valid ballot. *Micheas Harmon*, Terri Baum's campaign manager, said that the Help America Vote Act states that questionable ballots should be subjected to a second step to make an affirmative decision.

- (c) Discussion regarding Ranked Choice Voting outreach and education.
Director Arntz explained that one of the main components of the Outreach plan is for community groups to assist the Department in educating the voters. He said that \$125,000 had been set aside for that purpose, this is about \$10,000 per district. The grants applications are being put together to assure the information meets with City policy and should be ready in three weeks. There will be a citywide mailing announcing RCV and the Voters Information Pamphlet (VIP) will have information about RCV as well. Another important part of outreach is the training of poll workers.

Commissioner Townsend asked if the expense for training the poll workers was to be subtracted from the \$750,000 for voter outreach. The Director answered that the costs for poll worker education on RCV would come from those funds.

Mr. Arntz said that staff will be given a list of "frequently asked questions" and will be trained to answer these questions in a consistent manner.

Commissioner Townsend said that he wants the Department to contact groups that may not be applying for grants and ask them for their assistance in getting information out about RCV.

Director Arntz added that one of the stipulations in the grant process is that any group receiving grant funding will work with other community groups to assist in the outreach for their area. One group is not to get all the funds.

Commissioner Winnicker asked the Director if there was a date when the grants will be issued, or a date for the acceptance of applications and announcing criteria. Mr. Arntz said that there was no date yet. He said that he understood that it was important to get the message out as soon as possible, however, it is also important that the funds not

run out before that message is delivered and understood. Mr. Arntz said that the funding is so small, it is important not to run out of it too soon. He said he didn't want to find the Department close to the election and without funding to do outreach. Mr. Arntz said it would take approximately three weeks to develop the outreach process, and that the grants would be issued in June or probably early July, at the end of the fiscal year, when the Department will have staff returning to work. This staffing is needed to assist and oversee the groups who are funded.

Commissioner Winnicker asked if it were possible to get a staff member on board earlier to start getting the word out and work with community groups. Mr. Arntz said that he will find out and get back to the Commissioner with an answer.

Commissioner Winnicker said that he would like to see the outreach begin in May. Mr. Arntz said that the message of the outreach may change and at any rate, the message needs to be defined before people are sent out to do the outreach.

Commissioner Gleason said that he is concerned that he has not seen what the Department's message for outreach about RCV. He said the message has to be given a test run on the public so that people can have some input. He asked if there will be expertise sought. Commissioner Gleason asked if the Department had thought about getting in contact with or bringing out a representative from Cambridge, Massachusetts, where RCV has been used. Director Arntz said that this is one of the reasons he has presented the card on RCV that he presented to the Commission and the public this evening. There will be feedback on the card and feedback during each step of the process. This is why he wants to take this step-by-step approach. The Director said that the Department could not afford to bring in people from Massachusetts, but that the Commission was welcomed to contact Cambridge officials and request any materials they wish to share with San Francisco. The Director said he would welcome those efforts by the Commission.

Commissioner Gleason asked the Director if the grant proposal for RCV outreach created by the Department last summer, a copy of which Commissioner Gleason had in his possession, was the current version of the outreach plan. Director Arntz stated that the Department was currently working on a new, updated outreach plan. Commissioner Gleason asked if the updated grant proposal would still plan to make the recruitment of 50 bilingual poll workers by applicants a part of the grant requirement. Commissioner Gleason stated that he was concerned about this stipulation because the Department is required to recruit bilingual poll workers as a standard matter of operations and the funds set aside for RCV outreach should not be utilized to meet an existing requirement to recruit bilingual poll workers. Commissioner Gleason stated that obtaining bilingual poll workers as a by-product of RCV outreach is fine, but that he is concerned that organizations that feel the need to meet some sort of quota of bilingual poll workers would detract from the principal task at hand, which is outreach and education on RCV voting methods. Director Arntz said it would be wonderful if grant seekers were able to fulfill that obligation but he was willing to look at the qualifications again.

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Public Comment – *James Bryant* said that people need to do something now, that Mr. Arntz cannot do all the work on his own and someone should be appointed to a position to assist in the outreach. *Stephen Hill* said that last year's plan and timeline should be used now, because eager people don't know how to plug in and help if there is no plan for them to see. Mr. Hill said that last year's amount for the outreach funding that was going to the community groups was \$225,000 and asked why the amount has changed.

Commissioner Winnicker asked the Director if the plan from last year can be updated with new timelines so that the public will know what's being considered, and can that be ready for the Commission at its next meeting. Mr. Arntz said yes.

- (d) **Discussion of possible means of encouraging and promoting voter participation, including some of the suggestions made at the March 17 outreach hearing**, a list of which is attached to this agenda. President Rosenthal explained that she combined many of the suggestions from the March meeting in the list she has provided.

Commissioner Mendelson said that voter outreach and voter participation should be a priority of the Commission for the next year. The Commission should identify areas, communities where there are problems and investigate what services are already available to those locations. Commissioner Mendelson said that there are 501 (c) organizations that already provide these services and the Commission Secretary can begin to formulate a directory of these organizations and the services they provide. He suggested that the Commission look into forming a non-profit voter foundation and that the Commission create a committee for this purpose.

Commissioner Townsend commented that a number of the suggestions on the list were activities that the Department could do without much additional expense and asked the Director if he had had a chance to review the list. Director Arntz said that currently the Department does send registration cards to organizations, and that attending the Townhall meetings can be made a priority. He said he would go over the list with his staff and will provide the Commission with the input from his staff about the list and what the Department is already doing and what can be easily incorporated into staff activities. The Director will provide this list to the Commission Secretary who will give it to the Commissioners so that they may review it in time for the May 19 Commission Meeting.

Commissioner Mendelson suggested that the Commission hold its meetings in various communities. He said the Commission should get involved in a "turn out the vote" activity.

President Rosenthal said that this topic will be discussed further at the May 19 meeting and that she looks forward to the Department's feedback.

Public Comment – *James Bryant* said that the idea of meeting in a community setting was a good one. *Steven Hill* said that he felt the idea of the Commission being proactive in getting people to vote was a good idea. *Micheas Harmon* said that he has heard from people that they don't vote because "it's corrupt, it's crooked, there's voter fraud."

- **(e) Discussion regarding possible amendments to Commission Bylaws to make certain the terms of Commission officers, and the Commission's ability to remove its officers before the conclusion of their terms.**

President Rosenthal stated that in the present Bylaws, the wording that the officers serve at the pleasure of the Commission and the officers shall serve for one year are contradictory and are in conflict with Roberts' Rules she opened the issue for discussion. The President said that her proposal will be posted so that the Commission can consider adoption at its May 19 meeting. The Commissioners had no discussion.

8. **Public Comment** – *Steven Hill* said that DOE can put the information on the cards passed out at tonight's meeting on its website and reserve a portion of that sight to RCV. Mr. Hill offered the animation and other parts of his group's website, without charge, for use by the Department.

9. **ADJOURNMENT** at 8:50 pm.

ELECTIONS COMMISSION
City and County of San Francisco



SPECIAL MEETING

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AGENDA
ELECTIONS COMMISSION

Wednesday, May 5, 2004
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
7:00 pm

04-23-04 P03:11 RCVD

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodrigues
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on matters appearing on the agenda.
4. **Possible Closed Session** to confer with counsel concerning litigation and to conduct performance review of Commission Secretary.
 - A. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - B. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Terri Baum. Number of possible cases: 1.
 - C. **CLOSED SESSION** pursuant to the Ralph Brown Act, Government Code section 54957 and the Sunshine Ordinance section 67.10(b): **PUBLIC EMPLOYEE EVALUATION/REVIEW:** Commission Secretary, Shirley Rodrigues.
 - D. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
5. Reconvene in **OPEN SESSION:**
 - A. Vote to elect whether to disclose any or all discussions held in closed session pursuant to the Sunshine Ordinance, San Francisco Administrative Code section 67.12(a).
 - B. Possible report on action taken regarding Commission Secretary, pursuant to the Brown Act, Government Code section 54957.1 (a)(5) and the Sunshine Ordinance, San Francisco Administrative Code section 67.12(b)(4).
6. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Halght/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the matter of the
S. S. Co. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
I am, Sir, very respectfully,
Your obedient servant,
J. H. [Name]

Very truly yours,
[Signature]

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The Elections Commission

May 05, 2004

City and County of San Francisco

Elections Commission

Approved: May 19, 2004

Minutes of the Meeting held

May 5, 2004

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1. **Call to Order.** President Rosenthal called the meeting to order at 7:13 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Tony Winnicker, Gerard Gleason, Richard Shadoian and Arnold Townsend. **EXCUSED:** Robert Kenealey.

3. **PUBLIC COMMENT.** Richard Matthews made the Commission aware of his positive experiences working with the Elections Commission Secretary.

4. **CLOSED SESSION:** to discuss pending litigation and to review the performance of the Commission Secretary. At 7:15 pm the Commission voted, pursuant to Government Code section 54956.9 and Sunshine Ordinance section 67.10 (d), to go into Closed Session.

Commissioner Richard Shadoian left the closed session at 8:37 pm.

5. OPEN SESSION: The Commission reconvened at 8:47 pm.

A. Vote to elect whether to disclose any or all discussion held in closed session pursuant to the Sunshine Ordinance, San Francisco Administrative Code section 67.12(a), concerning pending litigation. Commissioner Winnicker MOVED to not disclose the closed session discussions, Commissioner Townsend SECONDED. Motion CARRIED.

- Possible report on action taken regarding Commission Secretary, pursuant to the Brown Act, Government Code section 54957.1 (a)(5) and the Sunshine Ordinance, San Francisco Administrative Code Section 67.12(b) (4). Commissioner Townsend MOVED, and Commissioner Winnicker SECONDED to not report any action taken regarding the Commission Secretary. Motion CARRIED.

6. ADJOURNMENT at 8:48 pm.

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, May 19, 2004
7:00 P M
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

2004-05-19 09:00 AM

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Gerard Gleason
The Honorable Tony Winnicker
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS**1 CALL TO ORDER****2. ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

4. A. **CLOSED SESSION** pursuant to the Ralph Brown Act, Government Code section 54957 and the Sunshine Ordinance section 67.10(b): **PUBLIC EMPLOYEE EVALUATION/REVIEW:**

- Review of Commission Secretary, Shirley Rodriques.
- Review of Director of Elections, John Arntz.

- B Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

5. Reconvene in OPEN SESSION:

- A. Possible report on action taken regarding Commission Secretary, pursuant to the Brown Act, Government Code section 54957.1 (a)(5) and the Sunshine Ordinance, San Francisco Administrative Code section 67.12(b)(4).
- B. Possible report on action taken regarding Director of Elections, pursuant to the Brown Act, Government Code section 54957.1 (a)(5) and the Sunshine Ordinance, San Francisco Administrative Code section 67.12(b)(4).

6. Director's Report

- | | |
|------------------------------|---------------------------|
| • Ranked Choice Voting | • Poll Locating |
| - Equipment Certification | • Training |
| - Outreach and Education | • Ballot Distribution |
| • Voter Services Division | • Technology Division |
| • Campaign Services Division | • Budget/Personnel Update |

7. President's Report

- Annual Report (First Reading)
- Statements of incompatibility
- Financial disclosures
- Election of Commission Officers

8 New Business

- (a) Discussion and possible approval of Elections Commission Minutes for Commission Meetings held April 21, 2004 and May 5, 2004.
- (b) Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to modify the filing deadlines and public inspection periods for materials published in the Voter Information Pamphlet. Copies of the proposed amendment are available at the Department of Elections.
- (c) Discussion and possible action to approve a resolution in support of filling current vacancies on the Ballot Simplification Committee.
- (d) Discussion and possible action to approve a resolution to urge the appointing authorities for the Ballot Simplification Committee to fill their current vacancies.
- (e) Discussion and possible action to approve a letter to the San Francisco Unified School District concerning appointments by the School Board to the Elections Commission.
- (d) Discussion and possible action to hold two regular meetings per month for the Elections Commission.

9 Unfinished Business

- (a) Discussion and possible action to amend the Commission Bylaws, Article V, Section 1, to make certain the terms of Commission officers, and the Commission's ability to remove its officers before the conclusion of their terms.
- (b) Discussion and possible action to amend the Commission Bylaws, Article VII, Section 1, to provide one standing committee, the General Policy and Budget Committee.
- (c) Discussion of possible means of encouraging and promoting voter participation, including some of the suggestions made at March 17 outreach hearing. (A list of these suggestions, which were discussed at the May 5 meeting, is attached to this agenda.)

10. Annual Election of new Commission Officers.**11. Discussion regarding items for future agendas.****12. Public comment on any issue within the Elections Commission's general jurisdiction.****ADJOURNMENT**

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-8142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No. (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317, web site at www.sfgov.org/ethics.

Elections Commission Bylaw amendment to be considered by the Commission at its May 19, 2004 meeting.

SAN FRANCISCO ELECTIONS COMMISSION
BY LAWS

ARTICLE V

OFFICERS

Section 1. Officers.

- A. The Commission's executive officers are 1) President and 2) Vice President.
- B. The Commission shall elect the executive officers by majority vote of the Commission's full membership
- C. The Executive Officers shall serve a one-year term, with the election of officers to be held at a regular Commission meeting in May of each year.
- H. If a vacancy occurs in either executive office, the Commission shall elect a new Executive Officer by majority vote of the Commission's full membership.

Posted: June 6, 2003, July 2, 2003 and May 3, 2004

NOTICE TO AMEND
THE ELECTIONS COMMISSION BY LAWS

At its regular meeting at 7pm on May 19, in City Hall Room 400, the Elections Commission will consider amending the Commission's Bylaws as follows:

Article VII ("Committees"), Section 1 is hereby amended to read as follows:

Section 1. Standing Committee. The Commission shall have one standing committee, the General Policy and Budget Committee. Such committee shall be responsible for personnel, budget, and investigating functions when called upon to act by the President. The committee shall establish procedures necessary and proper to fulfill its committee function.

This notice is given pursuant to Art. XIII, San Francisco Elections Commission Bylaws.

Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

May 19, 2004

City and County of San Francisco

Elections Commission

Approved: June 2, 2004

Minutes of the Meeting held

May 19, 2004

DOCUMENTS DEPT.

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- 1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:04 pm.
- 2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Michael Mendelson, Tony Winnicker, Arnold Townsend, and Richard Shadoian.
EXCUSED: Kenealey
- 3. **Public Comment** – *Eric Allen* appealed to the Commission to encourage the Department to release as much information as possible on their website. He said that in his work, he needs to know who has decided to run for office in November 2004. Currently, he has to come to the Department and fill out a form to obtain this information. *Hester Lox* read a three minute statement concerning her efforts to be paid for her work as a poll worker in the November 2003 election.

At 7:16, President Rosenthal acknowledged the arrival of Commissioner Robert Kenealey.

4. **CLOSED SESSION.** Commissioner Winnicker MOVED and Commissioner Mendelson SECONDED that the Commission go into closed session at 7:17 pm.

5. **Reconvene in Open Session at 7:55 pm.**

Commissioner Shadoian MOVED not to disclose the deliberations of the closed session, Commissioner Winnicker SECONDED. Motion not to disclose CARRIED.

- **6. Director's Report.**

Ranked Choice Voting - Mr. Arntz reported that Elections Systems and Software (ES&S), the vendor providing the software and technology to implement a Ranked Choice Voting (RCV) system for the November 2004 election, needs a portion of its equipment reviewed by the federal testing authority. The testing and its results were originally to have been completed by May 10. The results were then pushed to May 18. The federal testing authority issued a letter to the Secretary of State's Office (SoS) that stated the testing would be completed by today. Currently, the test remains incomplete. At this time, there is no certified system. The new date for completion is this Friday. The Director said that he expects the report to be favorable and that Ranked Choice Voting will take place in November. The application for certification will need to go back to the SoS for review. Once it is completely approved, the entire system, with the eagle machines (optical scan machines) will need to be tested by the Department.

Commissioner Townsend asked why the May 18th date was missed.

Director Arntz explained that he didn't know exactly because he has not been contacted by the SoS or ES&S with an explanation.

Commissioner Gleason asked if there was a problem with the "firmware"?

Director Arntz explained that he wasn't sure and that ordinarily, an elections department does not get involved with equipment testing. This is the first time that this has happened. He has never spoken to the testing authority. An explanation of why this has taken so long will probably be in the final report.

President Rosenthal explained to the Commission that the Voting Systems and Procedure Panel (VSP) of the SoS has given ES&S certification so long as they meet certain conditions. One of those conditions is that they receive a report from the federal testing authority regarding the firmware. Everyone is viewing the delay as a technicality and it is not an indication that the system will not pass the federal testing authority.

Commissioner Gleason asked if it looks like the Department will need to go back to the VSP panel? Director Arntz answered that this may be a possibility, but he couldn't not answer this question because the SoS will make that decision.

Commissioner Townsend said that he wants to know if the Department will be ready once the SoS has given its ok.

Commissioner Winnicker asked the Director if he was making his plans on the assumption that the machines would be ultimately certified. The Director answered affirmatively. The Commissioner then asked if the Director was working on an alternative plan. The Director said that the alternative would be a hand count system and that that system would need to be certified because the system's certification was denied last year.

Commissioner Kenealey asked when is the deadline for the Department to get approval so that it can go ahead with the optical scanner. Director Arntz said that if nothing is in hand by mid-June, it would be very, very difficult. Mr. Arntz said an election takes many pieces getting organized and coming together. This is especially so when you have something new because it can effect every part of the operation. This is what the Department is doing now and if there's a change in July or August, everything must be rethought.

Outreach – Director Arntz introduced the latest three-color draft of a RCV pamphlet for voters. ES&S will be providing outreach assistance, as part of their contract with the Department. ES&S will be providing a public relations firm to help develop messages and organize a campaign with the Department to get information to the public. Within the next two weeks, a focus group will be looking at the pamphlet and information will be provided on the Department's website.

There will be weekly meetings between the different Elections Department Divisions to seek and share information regarding RCV efforts and needs. Tomorrow there will be a brown bag lunch meeting to inform candidates of how to work within our procedures for the upcoming election, with a RCV presentation.

Last Friday there was a meeting for the community groups interested in applying for the grants for the outreach plan. There will be \$10,000 for the groups, as provided by the Board of Supervisors last year. The RFP is on the website as of today. The pre-proposal conference will be next Wednesday at 3:30 pm at 101 Grove Street, third floor hearing room for all groups interested in the RFP.

There are two other RFPs. One is for ethnic media for \$25,000; and one for a grants coordinator for \$15,000.

ES&S will be meeting with the Director tomorrow to plan a demonstration ballot. Sample ballots will be formatted and a focus group will be meeting within two weeks to give feedback on those ballots.

Commissioner Winnicker commended the Department on its "huge steps forward" in outreach for RCV.

The Director advised the Commission that the Technology Division is working on the procedures for election night and the release of results. He said he would give the drafts of those reports to the Commission as they become available.

A timeline of proposed dates for outreach is being developed with the public relations people and should be available next week.

Commissioner Winnicker urged the Department to have a press conference on the steps of City Hall, inviting the Mayor, the Board of Supervisors and advocacy organizations to announce the start of outreach for RCV. Director Arntz said that this was already in the public relations groups' plan.

Commissioner Gleason said that he thinks the draft brochure presented tonight by the Director is very good. The Commissioner said that he was concerned about the wording on the Q & A portion of the website, because it's too complicated and asked the Director to simplify the language and correct some of the wording that was originally composed by the Ballot Simplification Committee for conventional elections not the new Ranked Choice Voting.

Voter Services – The division is working on five petitions and registration cards to check against the signatures on the petitions. To do this the division has had to re-hire three staff who were recently laid off. In addition, the division continues to purge the voter database.

Campaign Services – The division is holding a brown bag meeting in room 421 tomorrow for 40 or more candidates and their staff to ask questions and receive information regarding what the Department requires of their campaigns.

Poll Locating – The group is seeking to maximize the number of ADA accessible polling places. The City's Geography sometimes makes this very difficult. Occasionally the rules for accessibility are not clear and contradict one another.

Training Division – This group is gathering information, getting the Department organized and preparing to make sure the poll workers are well taught.

Ballot Distribution – The division is reviewing its procedures and considering how RCV will change the Department's approach, especially after the election when we will need to process them differently from in the past.

Technology Division – The division has been busy keeping up with the challenges from all the other divisions in efforts to prepare for the fall election.

Budget / Personnel – The Division is preparing to present information to the Board of Supervisors and is answering questions from the Budget Analyst.

1. President's Report

Annual Report - President Rosenthal announced that she has not presented the Annual Report draft to the Commission tonight because she thinks it's too long. She said she realizes it needs to be given to the Commission quickly and she will do so as soon as possible.

Statements of Incompatibility and Financial Disclosure – The Commissioner asked members to read through the information for this item in their packets and said that there may be action taken at a future meeting.

Election of Commission Officers – The President reminded the audience that this item would be taken up later in tonight's meeting.

8. New Business

(a) **Discussion and possible approval of Elections Commission Minutes for Commission Meetings held April 21, 2004 and May 5, 2004.** Commissioner Gleason asked that a statement he made be included on page 9, second paragraph of the April 21, 2004 minutes. The Commissioner's statement will be included in the approved minutes. Commissioner Shadoian MOVED to excuse Commissioner Kenealey from voting on these minutes because he was absent for the meetings. SECONDED by Commissioner Winnicker. Commissioner Shadoian corrected the date mentioned in the April 21, 2004 minutes on page seven, third paragraph to read May 19, 2004 instead of May 21, 2004. Gleason MOVED to approve the two sets of minutes with the additions and corrections, SECONDED by Commissioner Winnicker, MOTION CARRIED.

(b) **Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to modify the filing deadlines and public inspection periods for materials published in the Voter Information Pamphlet.** Director Arntz stated that the amendment would simplify filing and inspection times. Currently, there are different deadlines and inspection dates for rebuttal arguments, paid arguments and etc. This amendment combines six dates into a few dates for those who are filing and will help eliminate confusion. Commissioner Kenealey MOVED, and Commissioner Shadoian SECONDED, MOTION CARRIED.

(c) **Discussion and possible action approve a resolution to urge the appointing authorities for the Ballot Simplification Committee to fill their current vacancies.** Commissioner Gleason explained that the five-member committee currently has only one member and cannot do its work until all vacancies are filled or until it can have a quorum. The Committee prepares the Voter's Information Pamphlet and other voter information. The Committee is scheduled to begin its work for the November election in July. Commissioner Townsend recommended an amendment that an addition "whereas" clause be added to state: "we recognize that San Francisco is a multiethnic City and that the deliberations of the appointing agencies take into consideration the make up of the City in their selection."

Commissioner Winnicker commended Commissioner Gleason for bringing this item to the Commission. MOTION CARRIED.

(d) **Discussion and possible action to approve a letter to the San Francisco Unified School District concerning appointments by the School Board to the Elections Commission.** President Rosenthal said that although she did not attend the meeting in which the School Board's committee interviewed potential candidates, she had heard from people who had been present that one member of the panel suggested that their candidate be a delegate of the Unified School District and that the candidate keep school board issues in mind and protect the board in those actions of the Election Commission that would effect the board. She said this was upsetting, especially when the proposition creating the Elections Commission made it very clear that the Commission was to be as apolitical as possible.

Commissioner Mendelson asked if the President had a copy of the actual remarks made. President Rosenthal answered that the Commission could request a copy of the tape. Commissioner Shadoian and Secretary Rodriques commented that they were both present and that the President's understanding of the comments were correct. Commissioner Shadoian stated that all the candidates, other than himself, were asked

the question "what do you think is the reason the School Board is given the duty to select a member of the Elections Commission?" The commissioner said that it appeared to him that the panel members were asking the candidates to "take a loyalty oath." Commissioner Shadoian asked that it be put on record that "no School Board member has ever told him what to do." The Commissioner stated that he has always worked independently of the Board and that he thinks the letter to all the appointing authorities is a good idea. Commissioner Townsend thanked the President for writing the letter and said that it is important that appointing authorities know that their appointees are not their lobbyists. The Commissioner said that if he were writing the letter he would add a paragraph about the importance of diversity on the Commission.

Commissioner Mendelson MOVED to amend the letter to state that an appointee owes loyalty first to the Elections Commission and not to any appointing authority. Commissioner MOVED, and Commissioner Kenealey SECONDED. Amendment CARRIED.

Public Comment – *Rev. Gregory Richardson* said he was a member of San Francisco's Baptist Ministers Conference Council and said that it was important for all members, minorities included, of the "team" to work together for the same goal.

Commissioner Townsend MOVED to send the letter to all appointing authorities. SECONDED by Commissioner Kenealey. Commissioner Kenealey MOVED, and Commissioner Shadoian SECONDED approval to send the letter. The MOTION CARRIED.

(e) **Discussion and possible action to hold two regular meetings per month for the Elections Commission.** Commissioner Winnicker said that since the decision to only hold one meeting per month, the Commission has had circumstances that dictated that it hold two meetings. He said he feels it is time to go back to the original schedule, especially with upcoming questions about ballot design and the need for public input. The Commissioner said that he thinks the meetings might run shorter in duration if the Commission had two per month to take place on the first and third Wednesdays of each month. Commissioner Winnicker MOVED, and Commissioner Shadoian SECONDED the item. Commissioner Gleason said that for the present this would be a good move and that the Commission could return to one meeting per month after the November election.

Public Comment – *Eric Allen* said that he hadn't noticed that the Commission had gone to one regular meeting a month. He said that the plan of returning to the two meeting schedule was a good one. *Jay Martin* said that there's a danger that when a meeting goes up on the website and is cancelled, the public may not know that it has been cancelled. The said cancelled meetings need to be noticed in plenty of time for the public to be made aware.

MOTION to resume the two regular meetings per month CARRIED.

9. **Unfinished Business**

- (a) **Discussion and possible action to amend the Commission Bylaws, Article V, Section 1, to make certain the terms of Commission officers, and the Commission's ability to remove its officers before the conclusion of their terms.** The President, who proposed this amendment, said that it was her interpretation that the executive officers are to serve a one year term and do not serve at the pleasure of the Commission, that is to say, they are not removable at the whim of the Commission. Commissioner Townsend said that the word "whim" should be removed and the amended read that the officers can be removed only for cause. President Rosenthal agreed to this amendment. Deputy City Attorney Julia Moll said that she was concerned that the use of the words "for cause" leaves unanswered who is to decide what is "cause". In the City, it often happens that an arbitrator decides what is "cause" in the context of employment disputes. Ms. Moll stated that the bylaw should be clear about who makes the final determination. It was MOVED and SECONDED to approve the amendment as written for discussion. President Rosenthal said "to be frank, I think politics enters this Commission in places that it shouldn't, and I think that we don't want to be constantly changing the leadership of the Commission based on what's going on in the outside world... I want to make it more difficult for the Commission to remove its officers based on political ideology or whatever external forces there may be and that's the purpose of this (amendment to the by laws)". Ms. Moll pointed out that the Commission members can be removed by their appointing authorities for cause, and asked whether the intent was to have the same standard for removal from Commission office as the removal from the Commission as a whole.

Commissioner Mendelson said that the Commission elects its officers by a majority and should be allowed to remove its officers the same way. He reminded the Commission that removal of officers is not removing them from the Commission, its only removing them from office. He said that the way it is currently written in the bylaws is consistent with other Commissions in the City. Commissioner Mendelson reminded the President that the Commission, working as a collegial body, retained her as President when there were concerns about her leadership last year. He said that this is the way we work in a democracy, and that there should not be an "iron clad one-year pass".

President Rosenthal said the Commissioner's argument was compelling.

Commissioner Townsend agreed. Commissioner Shadoian reminded the Commission of his own removal as Vice President and said that although he disagreed with his removal, the Commission had the right to vote and it did. And he accepted its decision. Julia Moll suggested that to clarify the language, the wording could read "the Commission shall elect and may remove the executive officers by a majority vote of the Commission's full membership." Commissioner Kenealey agreed to accept this statement as a substitute motion.

Public Comment – *Caleb Kleppner* said he doesn't often agree with Commissioner Mendelson but that he does in the matter.

Commissioner Mendelson said he had a question regarding the section of the amendment that reads "May to May." He offered a situation where an officer resigns after serving two months and said that continuity of the Commission would best be served by electing an officer for a full term, no matter when that term begins.

President Rosenthal said that it is important that it is clear that an officer is either completing the term of the previous officer or has a full one year term. Commissioner Keaneley MOVED to TABLE this item to the call of the chair. SECONDED by Commissioner Mendelson.

Public Comment – *Caleb Kleppner* said that the right way is to have someone fill the vacancy to the end of the term. *Eric Allen* said that he agreed.

This item has been TABLED to the call of the Chair.

(b) Discussion and possible action to amend the Commission Bylaws, Article VII, Section 1, to provide one standing committee, the General Policy and Budget Committee. Commissioner Mendelson MOVED and Commissioner Winnicker SECONDED this item. Commissioner Mendelson reminded the Commission that it seldom deals with budget issues and that by having two committees, all seven people are utilized. The Commissioner said that there are no pressing personnel matters now that a Director and Commission Secretary have been selected. If problems arise in these matters, an ad hoc committee can be formed or the subject can be turned over to the single committee as an investigative committee.

Commissioner Shadoian said that if this amendment passes, he foresees three people having a lot of power and the remaining four Commissioners as being less involved.

Commissioner Mendelson said that the President always retains the right to change the members of the standing committee so that everyone can participate. He reminded the Commission that the committee brings its recommendation to the full Commission and that nothing can occur without the majority of the Commission's approval.

President Rosenthal recommended the removal of both committees because she said the Brown Act and probably the Sunshine Ordinance requires set regular meeting times for every committee and these committees have not been meeting regularly. Although there may be a flurry of activity around budget times or when there's a special issue that needs to be examined, these subjects can be more suitable for an ad hoc committee appointed by the President.

Commissioner Shadoian agreed with the President and added that some Commissioners may be stronger in the area of budget or some other subject than others, and that ad hoc committees could take advantage of those Commissioners' strengths and interests.

Commissioner Townsend said that he felt a lot of the work done by the Commission could have been streamlined by a committee process, before coming to the Commission.

Commissioner Winnicker said that he was in favor of eliminating the Personnel Committee because he sees no current need in keeping it active. He said he was against having only one standing committee because he would like to see the Commission entertain the idea of an Education Outreach Committee in the future.

Commissioner Gleason said there needs to be a place from which will come necessary action and ideas. He said he would like to have a smaller arena, like a committee, in which to explain ideas before bringing them forward.

Commissioner Mendelson said he agreed.

Roll Call Vote for this item: Kenealey – Yes; Gleason – Yes; Mendelson – Yes; Shadoian – No; Winnicker – Yes; Townsend – Yes; Rosenthal – no.

MOTION CARRIED.

(c) Discussion and possible means of encouraging and promoting voter participation, including some of the suggestions made at the March 17 outreach hearing. President Rosenthal called the Commission's attention to item 6.7 under the Director's Report for tonight's meeting. This is the memo from the Director to the Commission in response to the Commission's request that he examine the list of ideas from the public and let the Commission know which of these suggestions are currently being done by the Department and what additional activities can be easily incorporated into staff activities.

Commissioner Townsend said that although the Department makes public service announcements at election time, announcements about voter registration should be made throughout the entire year – to constantly encourage citizens to vote.

Commissioner Gleason said that he was amazed that the Department has already begun and continues to do outreach in many of the ways suggested by the public and that he knows that in some areas, the Department's hands are tied. The Commissioner pointed out that one item outside the purview of the Department was to "Advocate the following changes in state or federal law: same day registration; making election day a federal or statewide holiday; holding elections on weekends; lowering the voting age." These, he said, are some of the things the Commission can assist the Department in implementing.

The Commissioner said he was very interested in the idea that "a sign should go up at polling places the week prior to election day to indicate the location of the polling site and the list of the registered voters for that site."

Commissioner Shadoian said that the list provided by the Director was one of the most helpful things he's seen.

10. **Annual Election of new Commission Officers.** Commissioner Mendelson MOVED to nominate Commissioner Arnold Townsend for the office of President. President Rosenthal moved to vote by acclamation. The vote was unanimous. Commissioner Arnold Townsend ELECTED PRESIDENT.

President Rosenthal announced that she was resigning from the Commission effective tomorrow. She stated that she notified her appointing officer, and encouraged him to choose a female replacement. Ms. Rosenthal thanked the Director and the Commission Secretary for their assistance to her over the past year. She thanked Rachel Gosiengfao, Jennifer Novak, Suzanne Berg, Sarah Keeville and the staff for the work they have done to make the past three elections extraordinarily successful. Ms. Rosenthal said that she was "resigning now because she feels that it's the end of an era for the Commission. The department is up on its feet, it's been stabilized, it has an effective leader who has brought stability back after many difficult years."

Commissioner Townsend took the gavel and thanked the Commission for his new position. He thanked Commissioner Rosenthal and the other past Presidents for their work during very difficult situations.

Commissioner Shadoian nominated Commissioner Winnicker for the office of Vice President. The vote was unanimous for Tony Winnicker to be Elected Vice President. The new Vice President thanked the members.

Commissioner Shadoian announced that tonight's meeting would be his last. He said

that he "feels that he is leaving at the right time. I'm very happy with what is happening in the Department and pleased with John's leadership. I'm delighted in the staff that you have gathered around you. I'm delight at how we've grown as a Commission, we've been through a lot." The Commissioner gave the Commission a plaque with seven steps for human relationship success. He said he was proud to have been an inaugural Elections Commissioner.

- **11. Discussion regarding items for future agendas.** Commissioner Gleason suggested a resolution to have the BSC propose or approve any language regarding RCV for voting and for the counting method that will be in the Voter's Information Pamphlet. Commissioner Gleason said that although the deadline has passed for submitting the Charter amendment for holding the election for the Treasurer/Assessor and Public Defender in November instead of March, The Commission should still submit it to the Board of Supervisors. Additionally, Commissioner Gleason wants the Commission to recommend an amendment to the Elections Code to eliminate the pre-election notice for poll workers and polling places that is published in newspapers, and to handle this noticing instead over the website at a savings of \$10,000 to \$15,000 per election. During the last election cycle, the Department spent \$40 – 60,000 to publish this information in the newspaper. The savings realized could go into voter outreach and education.

President Rosenthal said that she has a list of agenda items that have been presented to her and will forward it to the new President. She will discuss these with President Townsend and explain why they haven't been calendared and her thoughts about when they should be scheduled.

Commissioner Winnicker said that he wants to be sure the Commission sets aside time at the next meeting to discuss ballot designs and RCV materials.

Commissioner Rosenthal urged the Commission to continue discussions of the Bylaw amendments from earlier in this meeting regarding the terms of office and committee structure.

Public Comment - *Jay Martin* said that he would like to see provisional ballots and their envelope design be reviewed with an opportunity for the public to get numbers from the Department regarding rejected ballots and the reasons why they were rejected. *Caleb Kleppner* said that he heard from the vendor (ES&S) that a principal reason for the certification delay was a requirement to compare the submitted software with software that is currently in escrow under state law. This issue was not brought up at the VSP. *Hester Lox* said that her experience with the Director and his staff had been completely different from what the Commissioners and other may have witnessed. She said she wants to know what she can do to follow up on her previous complaints.

ADJOURNMENT at 9:59 pm.

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA

ELECTIONS COMMISSION

Wednesday, June 2, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Tony Winnicker, Vice President
The Honorable Robert Kenealey
The Honorable Michael Mendelson
The Honorable Gerard Gleason
The Honorable Eric Safire
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ELECTIONS COMMISSION

Wednesday, June 2, 2004

City Hall, Room 408

ORDER OF BUSINESS**1. CALL TO ORDER****2. ROLL CALL****3. FLAG SALUTE****4. Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.**5. Director's Report**

- Ranked Choice Voting
- Voter Services Division
- Campaign Services
- Poll Locating
- Training
- Ballot Distribution
- Technology Division
- Budget/Personnel Update

6. President's Report

- Introduction of new Commission members

7. New Business

- (a) Discussion and possible action to approve the minutes for the Commission meeting of May 21, 2004.
- (b) Discussion and possible action to charge the Ballot Simplification Committee (BSC) with approving all Ranked Choice Voting (RCV) language used in voting instructions and tallying information that will appear in the Voter's Information Pamphlet (VIP).
- (c) Discussion and possible action to recommend to the State an amendment to the Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places and posting this information on the Elections Department website instead.
- (d) Discussion and possible action to appoint a Voter Outreach Committee.
- (e) Discussion and possible action to approve a Statement of Incompatible Activities for the Department of Elections and the Elections Commission. San Francisco Campaign and Governmental Conduct Code section 3.218 requires that each department and commission adopt a Statement of Incompatible Activities, to provide guidance to officers and employees about what types of activities are incompatible with their official City duties. Copies of the proposed Statement are available at the Department of Elections.

- (f) Discussion and possible action to recommend that the Board of Supervisors amend the Campaign and Governmental Conduct Code to revise the rules governing personal financial disclosure by employees of the Department of Elections and members of the Elections Commission. The rules were adopted in 2002 and do not accurately reflect the administrative structure of the Department. In addition, the rules may be overly broad. Copies of the proposed amendment are available at the Department of Elections.
- (g) Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to increase the filing fee for candidates for Supervisor. In general, candidates for municipal office are required to pay a filing fee of two percent of the current annual salary of the office sought by the candidate. In contrast, candidates for Supervisor are required to pay a filing fee of \$500. This fee was set when Supervisors were considered to be part-time officers and their salary was \$23,924. The salary for Supervisors has since been raised to \$112,320. The Department of Elections proposes that candidates for Supervisor pay a filing fee of two percent of the Supervisors' current annual salary (based on the current salary, the filing fee would be \$2,246.40). Under the Charter, any fee increase adopted in 2004 would not go into effect until 2005. Copies of the proposed amendment are available at the Department of Elections.
- (h) Discussion on possible Ballot Designs and other materials for Ranked Choice Voting (RCV).
- (i) Discussion and possible action to select venues and dates for upcoming Elections Commission Meetings in various City communities, particularly those with low voter turnout.

8. Unfinished Business

- (a) Discussion and possible action to propose to the Board of Supervisors a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the March Statewide primary election to the following November general municipal election.

9. Discussion regarding Items for future agendas.

10. Public comment on any issue within the Elections Commission's general jurisdiction.

11. Announcements.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724 Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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The Elections Commission

June 02, 2004

City and County of San Francisco

Elections Commission

Approved: June 16, 2004

Minutes of the Meeting held

June 2, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:00 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gleason, Winnicker, Mendelson, Safire, Trasviña, Townsend. EXCUSED: Commissioner Kenealey.
3. **FLAG SALUTE.** The flag salute was led by President Townsend.
4. **DIRECTOR'S REPORT.**

Ranked Choice Voting – The Director reported that he had spoken to the project director for the equipment the Department will be using for ranked choice voting (RCV). The Project Director, Joseph Taggart advised Director Arntz that the final report from the federal testing authority, was sent to the Secretary of State's Office (SoS) today.

Commissioner Winnicker asked if the software and firmware had "passed" the test. Director Arntz stated that he did not know and is awaiting a response from the SoS. The SoS will need to examine the report, which may take several days, before it releases the findings.

The Elections Department is continuing its twice-weekly presentations on

RCV in City Hall. On June 7th presentations will begin throughout the City – the first one will be at the Chinese-American Democratic Club. The deadline for the three grant proposals for parties interested in assisting the Department in its outreach to voters about RCV have been extended. The proposal for grant coordinator has been extended until next Friday and the proposal for Community Organizations was extended an additional week. The proposals for the ethnic media component have been received and will be reviewed by a panel, yet to be formed, soon.

The Director called the Commission and the audience's attention to the three sample ballot-types available on the information table. He said they demonstrate three formatting techniques available using the Department's current software.

The DoE will need to obtain services outside the City government to assist in its RCV website because the City's Department of Telecommunications Information Services (DTIS) has chosen not to administer the contract for this service. This will require the Department to work with Elections Systems and Software (ES&S), the equipment vendor the Department is using for RCV, to formulate a contracting process for the website. The Director said he was hopeful that this could be accomplished by August, rather than July, because this need to seek outside website services was not anticipated.

Director Arntz told the Commission that he will have a full, more precise time line for the Department's outreach plan for RCV by the next meeting.

Commissioner Trasviña asked the Director when he plans to have the outreach presentation in languages other than English. Mr. Arntz replied that the presentation in Chinese could be accomplished quickly but that Spanish would probably be ready in mid-July.

President Townsend asked if community groups could contact the DoE and request a presentation for their constituents. Mr. Arntz answered affirmatively and reminded the Commission that the DoE will be training the community groups that are successful in their bids for grant monies to do outreach and give presentations, using the DoE's materials.

Commissioner Winnicker asked the Director if the deadlines for proposal submissions had been extended because there was a shortage of applicants. Director Arntz answered that some groups asked for more time for preparation of their proposals. In addition, groups that didn't respond to the Department's request for proposals were being re-contacted and advised that the deadline had been extended. The Commissioner asked how many proposals had been received for the ethnic media grant. Mr. Arntz said there had been five or six.

Voter Services Division and Campaign Services – Both of these divisions are involved in the reviewing the signatures submitted in lieu of paying filing fees. Potential candidates for November's election have already begun to submit petitions to help lower their campaign filing expenses. Thousands of signatures are being verified.

Poll Locating – This Division is continuing its assessment of polling sites for accessibility. Approximately 700 sites are being reviewed.

Training – The incorporation of RCV information is being planned for the poll worker training classes.

Ballot Distribution – This Division is considering the procedures necessary for RCV and looking for suitable locations for the staging of ballots this fall. Bill Graham Performance Center was used during the last election but it may not be available to the DoE for November.

Technology Division – This Division has been preparing the website for RCV, as well handling reports and purging the voter data bases.

Budget and Personnel – The Department is beginning the process to bring in new staff positions called "1471 Classification" which are election-specific. Interviews will be held in two days with the hope that some of our staff will move into these provisional positions in the coming weeks. The Budget was released yesterday and the Director hasn't fully examined it but will be able to report to the Commission at the next meeting.

President Townsend asked the Director if the Department seeks the assistance of the City's First Source Hiring agency. Mr. Townsend said that City uses this program in an attempt to hire workers who may be receiving welfare or who come from other government assistance agencies and this agency might be a good source for poll workers. Mr. Arntz said that he was unaware of this program. President Townsend said that he would put the Director in touch with the contacts for this source for workers.

5. **PRESIDENT'S REPORT.**

President Townsend welcomed the two new Commissioners: Eric Safire, appointed by the Public Defender, and John Trasviña, appointed by the Board of Education.

The President reported that he met with former President Rosenthal who asked him to inform the Commission that she was working on the Annual Report and that she plans to give some or all of the information to Commissioner Townsend before the next Commission Meeting.

6. NEW BUSINESS

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of May 21, 2004.** It was MOVED to excuse the participation of the two new Commissioners, Trasviña and Safire from participating in this action because they were not present for that meeting. Motion CARRIED. Commissioner Winnicker MOVED and Commissioner Gleason SECONDED the approval of the minutes. Motion CARRIED.
- (b) **Discussion and possible action to charge the Ballot Simplification Committee (BSC) with approving all Ranked Choice Voting (RCV) language used in the voting instructions and tallying information that will appear in the Voter's Information Pamphlet (VIP).** Commissioner Mendelson asked the Deputy City Attorney if the powers and duties of the BSC were spelled out in the Municipal Elections Code. Deputy City Attorney Moll said that this is true. She explained that the BSC assists the Director in preparing certain materials that must be included in the Voter Pamphlet under the Code. Ms. Moll said that the Director has the discretion to include additional materials if the Director feels it would be helpful to voters, and the Director can ask the BSC to assist in preparing or reviewing those materials. She said that the word "charge" which was used in the description of this agenda item was not the word used in the actual resolution.

Commissioner Gleason said that he had discussed this item with the Director and that he understands that the Commission cannot "charge" the BSC. The Commissioner gave a brief history of why the BSC was created and examples of work the BSC has accomplished. Mr. Gleason explained that one of the main reasons for the Committee's creation was the voter's digest and the writing of the explanation of what a "yes" or "no" vote actually means regarding a ballot initiative. He said that the BSC words difficult measures so that any voter, with an eighth grade reading level, can understand them. He said that the Committee, under the direction of Mr. Arntz, could be of great assistance to the DoE. The BSC is a neutral body that works with public input, and the Department and City Attorney also work with the language before it is actually made available to voters.

Commissioner Mendelson asked Commissioner Gleason what he wants the Commission to do regarding this item. Commissioner Gleason said that he would like to give an indication to the DoE that the Commission thinks that the language that goes in the Voter Information Pamphlet (VIP), which is one of the major pieces of information the voter receives, is approved by people who understand communication with the

public. He said that this is not a "directive" or a "charging" but just a suggestion from the Commission to the Director. Mr. Gleason said he would like a member of the Ballot Simplification Committee to be in attendance to give the BSC's point of view before the Commission votes.

Commissioner Mendelson said that he did not agree with the wording of the resolution and felt it should be more in line with the Code's description of the BSC in that the Director is the one to assign tasks to the BSC and that the Commission should not be involved with the day-to-day operation of the DoE. Commissioner Mendelson MOVED that this item be taken to the Commission's single standing committee for full discussion.

Commissioner Trasviña asked the Director how he feels about the item under discussion and asked if there was a particular reason that the BSC was being asked to review the VIP and not all the other materials that the DoE prepares for voter information. Director Arntz stated that currently there is no quorum at the BSC. He said that he understands the need for public comment on anything of import regarding elections. His concern, however, is timing. The BSC is not supposed to meet until July 26, 2004, and by July 15, the Department wants to have the standard pages of the VIP completed and available for all of the ballot types. He suggested that a review of the information in the VIP happen prior to July 15 and said that waiting until August to put major components in the VIP would be difficult because the DoE has to be involved in many other aspects of the upcoming election at that time. Mr. Arntz said that he feels that the Department can make good explanations of the written materials with its feed back from the Commission and the public and is responsive to that feed back.

Commissioner Winnicker said that he supports the premise of the resolution and after hearing all the comments, wants to MOVE the item to the Budget and Policy Committee and include a member of the BSC in the review of the materials in an informal way before July 15. The Commissioner reminded the members that it had sent a letter to all the appointing authorities of the BSC asking that appointments be made expeditiously. Mr. Winnicker asked the Commission Secretary to send a reminder to the appointing authorities.

Commissioner Trasviña asked if the Deputy City Attorney agreed that the Commission can do this. Ms. Moll said that if the Commission wants to recommend to the Director that the BSC be involved, minor modifications in the language of the resolution should be made and that, then, the resolution would be consistent with the powers of the Director and the BSC under the Charter and Municipal Elections Code.

President Townsend said that the wording should be to "urge" the Director to ask the BSC for assistance. He asked Ms. Moll to compose new language that she felt appropriate for the resolution and then work with the Budget and Policy Committee to bring this back to the full Commission. This was added to the motion. **SECONDED** by Commissioner Safire.

Public Comment – *Jay Martin* said that the idea of involving the BSC and the public was a good one and that all concerned be made aware of the July 15 deadline.

MOTION to refer the item to committee CARRIED.

- (c) **Discussion and possible action to recommend to the State an amendment to the Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places and posting this information on the Elections Department website instead.** Commissioner Gleason said that he didn't expect a vote on this item at this meeting. He called the Commissioners' attention to the materials he presented. These materials included samples of the newspaper notices of polling locations and the names and political party affiliations of each poll worker, from past elections which have to be printed ten days before an election. The Commissioner explained that typically, the DoE spends \$10,000 to \$15,000 per election for this purpose. He said he has spoken to other elections departments in the state and the consensus is that there are better ways to make this information available to the public. Commissioner Gleason MOVED that the item be taken to committee. **SECONDED.** This item has been moved to the Budget and Policy Committee.
- (d) **Discussion and possible action to appoint a Voter Outreach Committee.** Commissioner Trasviña asked that the date on the resolution be changed to 2007 to span the three years that coincide with the extension of the Voting Rights Act. The amendment to change the date to read 2004 to 2007 CARRIED.

Action to appoint a Voter Outreach Committee CARRIED.

- (e) **Discussion and possible action to approve a Statement of Incompatible Activities for the Department of Elections and the Elections Commission. San Francisco Campaign and Governmental Conduct Code section 3.218 requires that each department and commission adopt a Statement of Incompatible Activities, to provide guidance to officers and employees about what types of activities are incompatible with their official City duties.** Deputy City Attorney Julia Moll explained that the Department prepared its statement of incompatible activities because of a new mandate imposed by the voters last year. She said that the Elections Commission differs from most other commissions because the Charter already provides a variety of very specific restrictions for this Commission. To respond to the new mandate, the staff of the DoE has presented a variety of activities which are incompatible with the official duties of the Commissioners as well as Department employees. The Commission has to review and propose the actual statement that goes to the Ethics Commission. That Commission and the Civil Service Commission will be involved with the next step. The Elections Commission's part of the process must be completed by August 1, 2004.

Commissioner Gleason said that he agreed with the statement but that section five, concerning time demands, may be problematic because the DoE hires many part time

employees who work at another job. He suggested that there not be a restriction on the statement when it goes to the Ethics Commission. If the DoE wishes to put restrictions on its temporary employees in its personnel policy, that may be the best way to handle this.

Commissioner Trasviña asked how much of the statement applies to the Commissioners because the terms "officers" and "employees" are used throughout. Ms. Moll said that where "officers" is used, this was synonymous with "Commissioners". Mr. Trasviña read the statement "no officer or employee may be employed by or receive gifts or other compensation from individuals or entities that collect, analyze or report voter information or other elections data," and asked if this precludes a Commissioner from writing an editorial or op-ed, which has nothing to do with the elections, from being paid by a newspaper because newspapers report on elections all the time. Ms. Moll said that she was sure that this was not the intent and suggested a sentence be added clarifying that the provision.

Director Arntz explained that what was intended was that the DoE has information on 450,000 San Franciscans not be used for personal gain. He said that Commissioners as well as employees should be included in the decision regarding how information on voters is used.

Commissioner Trasviña read "no employee may report or comment on voter information or other elections data except as authorized by the DoE", and said that this seems to preclude an employee from reporting to a law enforcement agency any malfeasance. Director Arntz said that the whistle blowing law would take precedence over the statement of incompatible activities. What the DoE had in mind, Mr. Arntz continued, was that the information be restricted in how it is used, as directed in the Elections Code. He said that the Elections Code says nothing about a person being able to make an editorial opinion on something outside voter information.

Commissioner Winnicker said that Commissioners, of course, should hold themselves to a higher standard under the financial disclosure rules of the City, but that first amendment rights trump any statement of incompatible activities statement that the Commission might pass. He said that he would not have any trouble presenting an editorial on any subject, including one on an elections issue.

Commissioner Mendelson suggested that if this item goes into committee, there be a division in the requirements for staff and for the Commissioners because Commissioners do not have access to personal voter information.

Commissioner Gleason said that during the RCV in November, staff might have access to the tally before the algorithm is run and that this is an example of the kind of information that staff cannot make public.

Commissioner Winnicker MOVED to have this item considered in Committee.
SECONDED. The Motion CARRIED.

Commissioner Winnicker asked to be excused and left the meeting at 8:17 pm.

- (f) **Discussion and possible action to recommend that the Board of Supervisors amend the Campaign and Governmental Conduct Code to revise the rules governing personal financial disclosure by employees of the Department of Elections and members of the Elections Commission. The rules were adopted in 2002 and do not accurately reflect the administrative structure of the Department. In addition, the rules may be overly broad.** Deputy City Attorney Julia Moll said that there were two reasons for this proposal. The first was an administrative or housekeeping matter that the current requirement related to financial disclosure by employees in the department was formulated years ago and doesn't reflect the current structure of the DoE. Some positions listed no longer exist. The second was that the rules currently applied to the Commission may be overly broad. The financial disclosure rules are legal and permissible only to the extent that they are tailored to the official decision making authority of the employee or the officer. For example, if there is an officer whose official powers are limited to one very narrow area, but the financial disclosure rules require that that officer report personal financial interests that are totally unrelated to their official powers and duties, then the financial disclosure rules are overly broad and the City is not on solid legal ground in requiring that extent of financial disclosure.

Ms. Moll said that because the Commission has been in existence for over two years, it is appropriate that the financial disclosure rules be tailored to the actual responsibilities of the Commission.

Commissioner Mendelson asked Ms. Moll if she recommends that the Commission approve this item. Ms. Moll said that she does.

Commissioner Mendelson MOVED to approve, there was a SECOND. Motion CARRIED.

- (g) **Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to increase the filing fee for candidates for Supervisor. In general, candidates for municipal office are required to pay a filing fee of two percent of the current annual salary of the office sought by the candidate. In contrast, candidates for Supervisor are required to pay a filing fee of \$500. This fee was set when Supervisors were considered to be part-time officers and their salary was \$23,924. The salary for Supervisors has since been raised to \$112,320. The Department of Elections proposes that candidates for Supervisor pay a filing fee of two percent of the Supervisors' current annual salary (based on the current salary, the filing fee would be**

\$2,246.40). Under the Charter, any fee increase adopted in 2004 would not go into effect until 2005. Copies of the proposed amendment are available at the Department of Elections. President Townsend advised the Commission that Commissioner Winnicker had asked him to table this item because he had concerns but needed to leave the meeting early. Commissioner Trasviña said that if it was requested that another Commissioner be involved in the discussion and that Commissioner is not present, that the item should be tabled. Commissioner Trasviña MOVED to table the item. There was a SECOND. Roll call vote on whether to table the item: Gleason -yes, Townsend - yes, Mendelson - no, Safire - yes, Trasviña - yes. Vote was 4-yes, 1-no. This item was TABLED.

(h) **Discussion on possible Ballot Designs and other materials for Ranked Choice Voting (RCV).** Director Arntz reminded the Commission that this item was placed on the agenda by former President Rosenthal and said that the samples have been distributed to the Commissioners.

- (i) **Discussion and possible action to select venues and dates for the upcoming Elections Commission Meetings in various City communities, particularly those with low voter turnout.** Commissioner Safire suggested that the Commission Secretary develop a list of possible venues for the Commission to consider. The President asked that members get in touch with Ms. Rodriques with names of high schools and other possible locations. He further directed the Secretary to schedule no more than one meeting of the Commission, per month, at an outside-of-City Hall community location. The Secretary is to have the list available to the Commission by its next regular meeting. Commissioner Trasviña asked that this item be on the agenda for the next meeting.

8. Unfinished Business

(a) **Discussion and possible action to propose to the Board of Supervisors a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the March Statewide primary election to the following November general municipal election.** President Townsend reported that the Commission has not heard a response from the Public Defender. The Secretary was asked to send the letter requesting input from the Public Defender again and Commissioner Safire was asked to personally speak with the Public Defender to solicit his recommendation on this item. This item was TABLED until the June 16th meeting of the Commission.

9. **Discussion regarding items for future agendas.** Commissioner Trasviña said there is a proposed Charter Amendment that is before the Board of Supervisors. This amendment involves the administration of the School Board Elections. Mr. Trasviña said that if this hasn't already been acted upon by the Commission, he would like to know the DoE's views regarding the proposed amendment. President Townsend explained that this was the proposal to allow non-citizen parents to vote on School Board Elections. This amendment may be on the November 2004 ballot. Commissioner Trasviña asked Mr. Arntz if he has made a report of the potential impact

of this amendment. Mr. Arntz replied that he hadn't. Commissioner Trasviña asked what is the deadline for Charter amendments that are to be on the November ballot to be before the Board of Supervisors. Mr. Arntz answered that the deadline is July 18.

Director Arntz said that the DoE will need to make an impact report for the Rules Committee regarding this amendment and will make that report available to the Commission.

Public Comment – *Jay Martin* spoke about increasing voter turn out and handed his report of printing changes for the VIP to the Commission. *Dennis Mckinnsie* congratulated the new Commissioners and said that having community meetings in high schools was a good idea.

ADJOURNMENT at 8:43 pm.

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA

ELECTIONS COMMISSION

Wednesday, June 16, 2004

City Hall, Room 408

1 Dr. Carlton B. Goodlett Place

7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Tony Winnicker, Vice President

The Honorable Gerard Gleason

The Honorable Robert Kenealey

The Honorable Michael Mendelson

The Honorable Eric Safire

The Honorable John Trasviña

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. **Director's Report**

- Ranked Choice Voting
- Voter Services Division
- Campaign Services
- Poll Locating
- Training
- Ballot Distribution
- Technology Division
- Budget/Personnel Update

6. **Committee Reports:**

The Budget and Policy Committee

- (a) Recommendation on whether the Commission should urge the Director of Elections to submit all Ranked Choice Voting materials for the Voter Information Pamphlet (VIP) to the Ballot Simplification Committee (BSC) for review and approval. The Committee will report on this item under Unfinished Business.
- (b) Recommendation on whether the Commission should request that the City's State Legislation Committee propose an amendment to the California Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places and instead require posting this information on the Elections Department website. The Committee will report on this item under Unfinished Business.
- (c) Recommendation on whether the Commission should approve a Statement of Incompatible Activities for the Department of Elections and the Elections Commission. San Francisco Campaign and Governmental Conduct Code section 3.218 requires that each department and commission adopt a Statement of Incompatible Activities, to provide guidance to officers and employees about what types of activities are incompatible with their official City duties. The Statement must be received by the Ethics Commission no later than August 1. The Committee will report on this item under Unfinished Business.

7. **New Business**

- (a) Discussion and possible action to approve the minutes for the Commission meeting of June 2, 2004.

- (b) Discussion regarding the three sample ballot designs presented by Director Arntz at the June 2, 2004 meeting.

Note: *The demonstration ballots are for discussion only. The final ballot format and voting instructions may vary from these samples. You may see these sample ballots on the Department of Elections website by clicking "Elections Commission Meetings" in the right column under "Explore". Then choose this meeting's agenda and click the links at the bottom of the agenda immediately after "adjourned".*

8. Unfinished Business

- (a) Discussion and possible action to urge the Director of Elections to submit all Ranked Choice Voting materials for the Voter Information Pamphlet (VIP) to the Ballot Simplification Committee (BSC) for review and approval. Ms. Betty Packard, current Chair of the Ballot Simplification Committee is expected to make a brief statement.
- (b) Discussion and possible action to request that the City's State Legislation Committee propose an amendment to the California Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places and instead require posting this information on the Elections Department website.
- (c) Discussion and possible action to approve a Statement of Incompatible Activities for the Department of Elections and the Elections Commission. San Francisco Campaign and Governmental Conduct Code section 3.218 requires that each department and commission adopt a Statement of Incompatible Activities, to provide guidance to officers and employees about what types of activities are incompatible with their official City duties. Copies of the proposed Statement are available at the Department of Elections.
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- (b) Discussion and possible action to select venues and dates for upcoming Elections Commission Meetings in various City communities, particularly those with low voter turnout. The Commission Secretary will give an update of scheduled venues and meeting dates.

10. Discussion regarding items for future agendas.**11. Public comment on any issue within the Elections Commission's general jurisdiction.****12. Announcements.****ADJOURNMENT**

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The Elections Commission

June 16, 2004

City and County of San Francisco

Elections Commission

Approved: July 7, 2004

Minutes of the Meeting held

June 16, 2004

DOCUMENTS DEPT.

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:02 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gleason, Safire, Trasviña, Townsend, Winnicker and Mendelson. ABSENT: Commissioner Kenealey.
3. **FLAG SALUTE.** The flag salute was led by President Townsend.
4. **DIRECTOR'S REPORT.**

Ranked Choice Voting – The Director reported that he had spoken with Elections Systems and Software (ES&S), the vendor for the optical scan system the Department hopes to use in the November election, about the report on the firmware for the system. ES&S advised him that the report is incomplete and the company is in the process of providing supplemental information to the testing authority. The Director formally requested that ES&S and the Secretary of State's Office (SOS) let him know the status of the application and the timeline for completion of the testing. The Director stated that he was very concerned that the firmware has not been certified.

Hand count procedures are being developed and hopefully will be completed next week, and will be sent to the SOS for review and certification.

Outreach regarding Ranked Choice Voting (RCV) continues with twice weekly presentations at City Hall. By July, it is expected that the trainings will be in Spanish and Chinese.

Deadlines for the Requests for Proposals (RFPs) has passed and a grant coordinator is expected to be on board by next Tuesday. By July 1st, the community groups, and an ethnic media organization will have been chosen.

There are three formats for demonstration ballots on the DoE's website. The Department is working with a public relations firm, provided by ES&S, that is working on the brochure design which is near completion. Once the ballot format is finalized, it will be placed in this brochure. This public relations firm is preparing posters for polling places, as well as for public transit locations.

It is expected that the RCV website be available to the public in August. Some of the features will be an interactive flash demonstration of how to mark the ballot, and streaming videos of public service announcements. We are working on how to make the site accessible to persons with visual disabilities.

The timeline for RCV has been updated and is available.

Commissioner Winnicker asked if RCV is only going to be in effect in half of the supervisorial districts this November, and does this mean it would take less time to do a hand count than if it were a Citywide election. Mr. Arntz responded that it would take less time.

Commissioner Townsend asked if this means the hand count would take less than 30 days. Mr. Arntz answered that the plan is not completed and reviewed by the SOS, therefore he couldn't answer. He reminded the Commission that because there will be a hand count, there will be more scrutiny of the vote counting process.

Commissioner Townsend asked if ES&S should be invited to make a presentation of their status at the next Commission meeting. Mr. Arntz said this was a good suggestion.

Voter Services Division – The division has completed the signatures in lieu verification process for several thousand names. Currently they are involved in voter file maintenance, which is canceling duplicate records by comparing voters on reports from the SOS – these include people who have moved and registered to vote other counties. The division gets monthly listings of deceased San Franciscans from the

Department of Public Health to purge voter files. Voter Services will be sending out approximately 41,000 address confirmation postcards within the next week. These cards are returned to the Department by the post office indicating that the person no longer lives at that address, but the DoE is required to send a follow up letter to the address to confirm this.

Campaign Services – This division is involved in the petitions for the candidates and explaining the process of becoming eligible to be on the ballot this fall to the candidates and public. The division is responsible for the Fair Political Practices and Campaigning filings that are made regarding donations to candidates and campaigns. The Department is eligible to receive fines from parties who are late with their filings and is building a database to track this information in order to collect fines. The Ethics Commission has a similar process and is able to bring in \$50,000 to \$75,000 annually in fines. The DoE hopes to be able to bring similar amounts for the City's General Fund.

Poll Locating – This Division is continuing its assessment of polling sites for accessibility. On July 26 from 11:00 am to 4:00 pm, there will be an exhibit of five voting system vendors here in City Hall. The exhibitors will demonstrate touch screen systems. Although the SOS has withdrawn approval of touch screens, the Mayor's Office and Supervisor Peir-Alioto requested that the demonstration continue.

Training – The incorporation of RCV information in training continues and the division is working with ES&S to provide information for the poll worker training classes.

Technology Division – This Division is working with Campaign Services on the system to track Fair Political Practices and Campaigns statements filings.

Personnel – The Department has hired five new staff positions, "1471 Classification", which are election-specific and three "1410 Senior Clerk Classifications". These are not new positions, these were open awaiting staff placement. This increases the number of provisional permanent staff in the DoE by eight people. Two years ago, we had only three people with this status, currently we are twenty.

Budget – In one week, the Director presents the DoE's budget to the Board of Supervisor's Budget and Finance Committee. The Mayor's Office decreased the budget approved by the Elections Commission by \$1.2 M. The reduction mostly came from DoE staffing.

There will probably need to be a request for supplemental monies for any additional costs incurred for RCV for the election this fall. The Department will closely monitor expenses.

Commissioner Winnicker asked if the supplemental request for money for RCV would be in addition to the \$500,000 approved by the Board of Supervisors last year. Director Arntz answered that the \$750,000 available to the Department for outreach is still available, the additional money would be for operational costs such as the hand count.

6. COMMITTEE REPORTS:

Budget and Policy Committee Chairperson, Commissioner Michael Mendelson reported that the Budget Committee has generated operating procedures for the Committee. Once the items that were assigned to the Budget and Policy Committee are called before the full Commission, the Committee will report on its findings at that time.

Commissioner Mendelson advised the Commission that the Committee had agreed that any Commissioner has the right to request an item be heard by the full Commission no matter the outcome of that item when it is heard before the Committee.

• 7. NEW BUSINESS:

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of June 2, 2004.** Commissioner Winnicker MOVED and Commissioner Gleason SECONDED the approval of the minutes. Commissioner Trasviña presented minor corrections. Motion CARRIED to accept the minutes with the corrections.

(b) **Discussion regarding the three sample ballot designs presented by Director Arntz at the June 2, 2004 meeting.**

Public Comment – *Steven Hill* said that design is the most important thing that catches people's attention.

Commissioner Trasviña asked the Director what was the deadline for the Department to receive comments on the ballot designs. Mr. Arntz replied that the vendor has set June 22 as the deadline.

8. UNFINISHED BUSINESS:

(a) **Discussion and possible action to urge the Director of Elections to submit all Ranked Choice Voting materials for the Voter Information Pamphlet (VIP) to the Ballot Simplification Committee (BSC) for review and approval.** Commissioner Mendelson reported that the Budget and Policy Committee proposes a substitute motion: "To foster voter education for county elections the Elections Commission urges the Director of Elections to include the Ballot Simplification Committee in review of all voting instructions and informational material about Ranked Choice Voting in the Voter Information Pamphlet". Commissioner Gleason introduced Ms. Betty Packard, who has worked for several years as a member of the BSC.

Ms. Betty Packard advised the Commission that at present she is the only member sitting on the Committee but has met with the representative from the League of Women Voters who is a teacher of adult literacy who will be joining the BSC soon. Ms. Packard said that a third member, from the National Academy of Arts and Sciences may be joining them by the end of the week. The School District has an appointment that hasn't been made and she asked the Commission to assist her in encouraging them to do so. Commissioner Trasviña, the Board of Education's appointment to the Elections Commission said that he would follow up with representatives of the Board of Education to let them know the importance of their appointment. Ms. Packard reminded the Commission that the BSC is required by legislation to begin its work on July 26 and to have their work completed by August 9. Ms. Packard said that the BSC is willing to look over the RCV materials, time permitting, to make suggestions.

Commissioner Mendelson MOVED and Commissioner Gleason SECONDED the item.

Public Comment – *Steven Hill* said he was concerned that there may not be enough time to get the materials on RCV ready and urged the Department to make the information very visual.

Betty Packard said that she would be able to come to the Department before the legislated starting date to look over the RCV materials.

President Townsend thanked Ms. Packard.

Commissioner Trasviña asked if the Director was in favor of using the BSC to review materials for RCV. Mr. Arntz said that he did, but timing was short and the materials need to be ready before the BSC begins its legitimate deliberations. His deadline, he said, was July 15.

President Townsend said he expects the Director will be as flexible as possible to use

assistance in the preparation of the RCV materials.

MOTION CARRIED.

- (b) **Discussion and possible action to request that the City's State Legislation Committee propose an amendment to the California Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places and instead require posting this information on the Elections Department website.** Commissioner Mendelson reported that the Budget and Policy Committee decided that Commissioner Gleason will contact other California Counties to determine their opinion on this proposed amendment. If a consensus in favor of the amendment is determined, the San Francisco Elections Commission will decide whether to go forward with the request for the amendment, with the support of other counties.

President Townsend asked the Committee to take into consideration that many people do not have computers, when the information collected is analyzed.

This item was **TABLED**.

(c) **Discussion and possible action to approve a Statement of Incompatible Activities for the Department of Elections and the Elections Commission.** San Francisco Campaign and Governmental Conduct Code section 3.218 requires that each department and commission adopt a Statement of Incompatible Activities, to provide guidance to officers and employees about what types of activities are incompatible with their official City duties. Commissioner Mendelson reported on the discussions of the Budget and Policy Committee regarding this item and reminded the Commission that Director Arntz presented his statement of activities incompatible with working in the DoE. The Commissioner advised that the Committee sought assistance regarding the statement from the Deputy City Attorney, and that Ms. Moll reported that she had reviewed the statement and had no concerns regarding the Budget and Policy Committee's approval of the list of incompatible activities. Therefore, the Committee recommends passage of the Statement of Incompatible Activities, dated April 30, 2004, as presented by the Director of Elections. **MOTION 06-16-04-1 CARRIED.**

- (d) **Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to increase the filing fee for candidates for Supervisor.** In general, candidates for municipal office are required to pay a filing fee of two percent of the current annual salary of the office sought by the candidate. In contrast, candidates for Supervisor are required to pay a filing fee of \$500. This fee was set when Supervisors were considered to be part-time officers and their salary was \$23,924. The salary for Supervisors has since been raised to \$112,320. The Department of Elections proposes that candidates for Supervisor pay a filing fee of two

percent of the Supervisor's current annual salary (based on the current salary, the filing fee would be \$2,246.40). Under the Charter, any fee increase adopted in 2004 would not go into effect until 2005. Copies of the proposed amendment are available at the Department of Elections. Commissioner Mendelson MOVED and Commissioner Winnicker SECONDED approval of this item.

Public Comment – *Steven Hill* said that he disapproved raising filing fees to run for public office because some candidates would not be able to pay and this could prevent many from seeking office. He asked for clarification of the Department's power to raise the fee.

President Townsend asked Deputy City Attorney Moll if the DoE has complete control over increasing this filing fee. Ms. Moll confirmed that, under the Charter, the Director of Elections proposes the fees, but the fees must be approved by the Board of Supervisors by ordinance.

Commissioner Winnicker said that he strongly opposed raising fees. He reminded the Commission that last year the Supervisor's salary was lowered to \$85,000 a year. The Commissioner said that there should not be barriers to keep people from running for office. When a City-wide candidate collects a signature in lieu to reduce her/his filing fee, that candidate receives 50 cents credit and has a pool of 300,000 to 400,000 voters. However, when a supervisorial candidate runs, only signatures from voters in the district for which she/he is running can be sought. This limits the pool from which to collect signatures to 80,000 or 90,000 voters. As the recommendation is proposed, a candidate would need to get 4,400 signatures to erase the \$2,246.40 filing fee. It should be noted that the current sitting supervisors did not receive much more than 4,400 votes. Putting this barrier for candidates wishing to run for office would be the same as having candidates for Supervisor solicit a signature from everyone who plans to vote for that candidate in order to run.

Commissioner Trasviña agreed with Commissioner Winnicker and added that if candidates have to submit more signatures, it would be an additional drain of DoE staff to confirm those voters' signatures. Additionally, the funds collected would go to the City's General Fund and not necessarily to the DoE.

Commissioner Gleason agreed with the previous comments and added that the \$500 fee, currently collected is a barrier too. But it is a barrier to determine if a candidate is serious about running – otherwise, anyone could walk in one minute before the deadline for candidates to declare and say they want to run for office.

Commissioner Townsend said that he was against making running for office more difficult because it is important to attract the interest of young people in the electoral process.

This MOTION **FAILED** unanimously.

(e) **Discussion and possible action to propose to the Board of Supervisors a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the March Statewide primary election to the following November general municipal election.**

Public Comment – *Steven Hill* asked the Commission to consider whether the election would occur during an odd or even year because in the even years, the election would involve the Board of Supervisors and the candidates would fit easily on one card for the Ranked Choice Voting, but adding Assessor/Recorder and the Public Defender could cause complications.

Commissioner Mendelson MOVED and Commissioner Winnicker SECONDED this item.

Commissioner Safire reported that he had contacted Public Defender Jeff Adachi who is in favor of this proposal.

Assessor/Recorder Mabel Teng informed the Commission that she, too, is in favor of this amendment.

Commissioner Winnicker suggested that the Commission look into moving the elections for City Attorney and Treasurer, which are next year, to a single municipal election, as well.

MOTION 06-16-04-2 **CARRIED**.

(f) **Discussion and possible action to select venues and dates for upcoming Elections Commission Meetings in various City communities, particularly those with low voter turnout. The Commission Secretary will give an update of scheduled venues and meeting dates.** Secretary Rodriques reported that the Commission President had instructed her to schedule the second Commission meetings in the months of July, August, September and October, to be held in low voter turn out communities. Ms. Rodriques presented the following schedule to the Commission: July 21 at SOMA Recreation Center, 270 – 6th Street; August 18 at Horace Mann Middle School, 3351 – 23rd Street; September 15 location will be coordinated by Supervisor

Sandoval's office; and October 6 at South East Community Center, 1800 Oakdale Ave.

Commissioner Trasviña reported that the Voter Outreach and Participation Committee is looking at a variety of other ways to increase voter interest and knowledge. He said the Committee will be working with the Deputy City Attorney to explore creation of a private foundation and the Committee will be bringing to the full Commission the unresolved problem of consolidation of the DoE into one physical location.

Public Comment – *Jay Martin* asked that the structure of the new Committees and their meeting dates and times be explained.

Commissioner Trasviña explained that the Voter Outreach and Participation Committee will be meeting the Tuesday before the third Wednesdays of each month. This would be the day before the full Commission holds its second monthly meeting. The next meeting will be July 20, 2004 at 5:00 pm.

Secretary Rodriques announced that the Budget and Policy Committee will be meeting the Tuesday before the third Wednesdays of each month, one hour before the Voter Outreach and Participation Committee. The next meeting will be July 20, 2004 at 4:00 pm.

It was agreed that there would be no vote on this item because the motion that created the Voter Outreach and Participation Committee, also charged it with this responsibility.

10. **Announcements** - Commissioner Townsend announced that the Juneteenth Festival will take place on Fillmore Street this coming weekend and that on Friday, at the plaza at Fillmore and O'Farrell Streets there will be a candle light vigil held by residents of Yerba Buena East public housing to commemorate lives lost to violence.

Commissioner Safire announced that the Summer Pro Am League started this week with a free opening game will be held this Friday at Kezar Stadium at 8:00 pm.

Commissioner Winnicker announced that he is strongly in favor of seeing more racial, ethnic and gender diversity, representative of the population of the City, in the membership of the Elections Commission. Mr. Winnicker said, toward that end, he will be resigning his appointment as Commissioner at the conclusion of this meeting. Treasurer Susan Leal will be leaving office in two weeks, and will be making a new appointment to fill his vacant seat.

Commissioners Townsend and Trasviña said that they respected Mr. Winnicker's integrity and decision in this matter and thanked him for his work with the Commission and the action he is now taking for the benefit of the Commission.

ADJOURNMENT at 8:15 pm.

ELECTIONS COMMISSION
City and County of San Francisco



AGENDA
ELECTIONS COMMISSION
Wednesday, July 7, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

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COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Gerard Gleason
The Honorable Robert Kenealey
The Honorable Michael Mendelson
The Honorable Eric Safire
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **President's Report**
 - Appointment of Vice President
6. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of June 16, 2004.
 - (b) Update of the voting equipment certification for Ranked Choice Voting (RCV) by a representative of Election Systems and Software.
 - (c) Discussion and possible action to approve the Annual Report by former Commission President Alix Rosenthal.
 - (d) Discussion of updates for the Elections Commission's Strategic Calendar for March -- December 2004.
7. **Discussion regarding items for future agendas.**
8. **Public comment** on any issue within the Elections Commission's general jurisdiction.
9. **Announcements.**

ADJOURNMENT

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AGENDA
ELECTIONS COMMISSION

Wednesday, July 7, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Gerard Gleason
The Honorable Robert Kenealey
The Honorable Michael Mendelson
The Honorable Eric Safire
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **President's Report**
 - The Commission Vice Presidency
6. **Director's Report**
 - Ranked Choice Voting
 - Voter Services Division
 - Campaign Services
 - Poll Locating
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel Update
7. **New Business**
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The Elections Commission

July 07, 2004

City and County of San Francisco

Elections Commission

Approved: July 21, 2004

Minutes of the Meeting held

July 7, 2004

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- **1. CALL TO ORDER.** President Townsend called the meeting to order at 7:00 pm.

2. **ROLL CALL.** PRESENT: Commissioners Safire, Trasviña, Townsend, and Mendelson. Commissioner Gleason arrived at 7:05 pm. ABSENT: Commissioner Kenealey.

3. **FLAG SALUTE.** The flag salute was led by President Townsend.

4. **Public Comment:** *Terry Baum*, from the Green Party, said that she had been a write in candidate in the March election and has a case pending in court in which she is suing the City to get her contested votes counted. Ms. Baum urged the Commission and Department to program vote counting machines to reject any ballot that has a candidate's name written in but the arrow beside that candidate's name is not joined so the vote can be corrected at the polling place.

5. **PRESIDENT'S REPORT.** President Townsend asked the members to consider the vacancy of the Vice Presidency and to be prepared to discuss and possibly take action to elect a new Vice President at the next Commission Meeting.

President Townsend said he attended the July General NAACP Meeting and a Townhall Meeting at the A. Phillip Randolph meeting in which DoE staff member Charlie McNaulty gave a presentation on Ranked Choice Voting. The Commissioner

commended Mr. McNaulty for doing an excellent job.

6. **DIRECTOR'S REPORT.**

Ranked Choice Voting (RCV)– The Director reported that the greatest obstacle to implementing RCV has been the certification of the firmware. Earlier today, the ITA (Independent Testing Authority) issued a report that was favorable to the system presented. Mr. Mark Kyle, the Undersecretary of State, indicated that the largest obstacle has been met and it appears that RCV will be used this November. There are a few procedures which must be developed before full certification can be realized. However, it is not anticipated that these will not be completed. Having this favorable determination means that the funds for Outreach can be released by the City. The process to have the funds released from the Finance Committee of the Board of Supervisors and Controller's Office will commence tomorrow.

The Director announced that the Department has chosen a Grant Coordinator for Outreach and an ethnic media organization. Their contracts are being finalized. The funding commences once the contracts are awarded. The application period for the grants has been reopened for districts 2, 7 and 8 because those districts have shown poor response to the RFP (Request For Proposals). The Supervisor and organizations for those districts have been notified. The extension deadline is next Friday, July 16, 2004. The DoE is currently in contract negotiations with community organizations in the remaining districts.

Commissioner Trasviña asked why limited education dollars were being spent on districts that will not have RCV this year. Director Arntz replied that only district two will be on the ballot. He said that immediate outreach to the entire City was important because the whole City will be involved in RCV eventually. Mr. Arntz added that the information in the Voter's Handbook (VIP) will include ranked choice voting information that will probably inform voters that even if there isn't an election in their district this November, RCV will be used in future elections.

Deputy City Attorney Julia Moll added that this was not a policy decision by the Department, but that the Board of Supervisors imposed this as a condition of the funding.

The Director said that more monies and efforts will be assigned to districts that have elections this year.

Demonstration Ballots are available on the Department's website and final changes to the ballot design are still possible. An interactive component of the site that will allow voters to actually go through the process of voting an RCV ballot and get feedback as to whether they used the procedure properly is being developed, and

brochures and posters in three languages are being prepared.

The Department will be meeting tomorrow with the public relations firm provided by Elections Systems and Software (ES&S). Public Service Announcements will be discussed.

The development of a hand count for Ranked Choice Voting continues.

Poll Worker Training Division - This division is considering how to provide instruction to poll workers about RCV so that the workers can be supportive of the voters. Well-trained poll workers will be the last chance the Department has to instruct voters on how to mark their ballots properly.

Voter Services Division – The division received two initiatives yesterday - one has 19,000 signatures and one has 17,000 signatures. The Department has thirty days in which to verify these signatures. This is accomplished by making sure that a certain range of accuracy applies to a sampling of the signatures. If the range is not met, then every signature must be checked.

Of the 42,000 address confirmation postcards that were sent to voters last month, voters have returned 20,000. These are being processed by the Voter Services Division.

Twelve Thousand voters' records have been cancelled or activated and 13,000 records have been added. Keeping the voter's rolls current takes much of the staff in this division's time.

Campaign Services – This division received two petitions in lieu of signatures yesterday. Candidate workshops are continuing. The nomination period begins on Monday, July 12, 2004 and ends Friday, August 6, 2004. This means there will be a lot of activity at the Department's front desk between those dates. For the Department, the Election process starts Monday.

Poll Locating – This division handles the Department's ADA (Americans with Disabilities Act) compliance. On July 26, from noon to 4:30 pm there will be a touch-screen demonstration of five voting systems directly in front of the Department's entrance. This is being coordinated with the Mayor's Office on Disability and the Department's Voting Accessibility Committee.

Ballot Distribution – This division is conceptualizing how the Department will handle the ballots for this fall because new procedures will be necessary due to RCV. The work should be completed within the next few weeks.

Technology Division – The look of the main website and its content has been redesigned and updated. The division is preparing to have online poll worker applications on the site as well. The division is currently transferring information from the Department of Motor Vehicles in order to update and verify our records for the Help America Vote Act. The Logic and accuracy testing for RCV continues.

Budget / Personnel Update – Submission of all requisitions and invoices for the last fiscal year are a priority for this division. Getting this information submitted is important in eliminating any carryover expenses into the new fiscal year.

Director Arntz invited the Commission members, two at a time, to come to the DoE for a guided tour, orientation, a close up look at the Department, and to spend time with the Director personally. He said he would like to start these visits within the next week.

7. NEW BUSINESS

1. **Discussion and possible action to approve the minutes for the Commission meeting of June 16, 2004.** Commissioner Mendelson MOVED and Safire SECONDED this item. The MOTION CARRIED.

(b) **Update of the voting equipment certification for Ranked Choice Voting by a representative of Elections Systems and Software.**

Joseph Taggard stepped to the podium. Commissioner Mendelson asked Mr. Taggard if the mechanical process was in place to implement RCV. Mr. Taggard answered, "yes it is."

Mr. Taggard introduced Mr. Mark Kyle, Undersecretary of State. Commissioner Mendelson asked Mr. Kyle if there will be any referral of the provisional certification to the Voting Systems Policies and Procedures Panel (VSP) and if, in the Secretary of State's (SOS) point of view, San Francisco is ready to proceed with RCV. Mr. Kyle reported that the SOS has reviewed the latest review from the federal Independent Testing Authority (ITA), and the report meets the provision laid out by the SOS. Mr. Kyle said that he is the chair of the VSP, and that the panel believes the report is

complete and satisfies the conditions outlined. As far as he is concerned, it is good to go forward. There are still some conditions that exist. For example, it is required that the City allow a SOS observer on election day. This does not mean that there is no certification until the observer walks in the door on election day. Another condition deals with voter education, and the SOS understands that this will be happening.

Mr. Kyle stated that from a technical point of view, the SOS considered the system to be certified.

Commissioner Gleason asked Mr. Kyle if the federal testing authority examines firmware, audit log and tie-break. Mr. Klye answered that the ITA looked at the source code software and not the audit log. The Commissioner asked if the audit log is an issue. Mr. Kyle answered that he didn't think it was but that if he's wrong about this, it will be one of the "on going, time correctable issues."

Mr. Kyle said that he was confident that the audit log could be worked out between the Department and the vendor.

Commissioner Gleason asked if it was correct that September 1st is the deadline for a tie-break procedure and does the SOS have to review it? Mr. Kyle answered that he felt that the SOS would probably be involved in conversations regarding tie-break but would not "pull the plug" if it was not resolved before the deadline.

Commissioner Townsend asked if the system needs to go before the VSP Panel. Mr. Kyle answered that currently, it does not.

Commissioner Trasviña asked whether leaving aside the possibility of surprises, are there any issues that Mr. Kyle sees that are currently outstanding for which there is not a plan or time to resolve between the SOS and the City. Mr. Kyle responded that time and plans do exist but that the matter is not just between the SOS and the DoE. He said the third component, the vendor, is the one the SOS is relying upon.

President Townsend asked Mr. Joseph Taggard if he had anything he wanted to add. Mr. Taggard said that he would add the following: "At no time throughout this process has the SOS ever asked us for an unreasonable amount of information or have they ever delayed the process. There has been a swirl of innuendo and discussions surrounding this entire thing. People forget that there was a gubernatorial recall in the middle of it. I think that everyone's best efforts have gotten us to this point. I am reluctant to even listen to anybody who would say there w(ere) any parties to blame or dragging their feet. I think that everybody tried as hard as they could and we are at this point. I would also say to Commissioner Gleason that the auditing that was asked for has already been submitted for approval to elections division staff. Director Arntz and I went over that some 60 or so days ago and that's been submitted in. From our standpoint, we are as Commissioner Mendelson asked, ready to go. And I would like to thank, not only the Department but the Secretary of State's Office for their participation

and assistance throughout this."

- (c) **Discussion and possible action to approve the Annual Report of Former Commission President Alix Rosenthal.** Commissioner Mendelson MOVED and Commissioner Gleason SECONDED this item. The motion 07-07-04-1 CARRIED.

Public Comment – *Steven Hill* asked where the public could see a copy of the Annual Report. Commission Secretary Rodriques answered that a copies are on the table for this meeting, a copy is in the Elections Commission's binder in the lobby of the DoE, and that it will be posted on the Elections Commission's website shortly after it is approved by the Commission.

(d) **Discussion of updates for the Elections Commission's Strategic Calendar for March – December 2004.** This item was TABLED.

- **8. Discussion regarding items for future agendas.**

Commissioner Trasviña asked that the process to count write-in votes be placed on the next meeting's agenda.

9. **Public Comment** – *James Bryant*, President of the S.F. Chapter of the A. Phillip Randolph Institute, said he was proud that the DoE is moving forward with RCV and that the education of voters needs to begin. *Steven Hill*, of the Center for Voting and Democracy, said that it is important to get the education monies released as soon as possible and that a press release should be sent out announcing that the DoE is going forward with RCV. *Mr. Willie Ratcliff*, Publisher of the San Francisco BayView Newspaper, said that he is against paying for a special election and hopes the DoE will finish its verification of the signatures on the petitions his group is collecting in time for the special election to occur during the upcoming November 2nd election.

10. **Announcements** - Commissioner Trasviña announced that the Superintendent for Schools will be announcing her selection for the Ballot Simplification Committee tomorrow.

ADJOURNMENT at 8:00 pm.



ELECTIONS COMMISSION
City and County of San Francisco

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≡AGENDA

ELECTIONS COMMISSION

Wednesday, July 21, 2004

South of Market Recreation Center

270 – 6th Street

(Between Howard and Folsom Streets)

6:00 pm

1/04

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Gerard Gleason

The Honorable Robert Kenealey

The Honorable Michael Mendelson

The Honorable Eric Safire

The Honorable John Trasviña

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - Ranked Choice Voting
 - Voter Services Division
 - Campaign Services
 - Poll Locating/ADA
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel
6. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of July 7, 2004.
 - (b) Discussion and possible action to elect a Vice President of the Commission.
7. **Overview of the Voter Outreach and Education Programs**
 - (a) Presentation by the Department of Elections.
 - (b) Presentation by Bouchard McElry Communications Group, a firm assisting the Department of Elections regarding Ranked Choice Voting education.
8. **Public Comment concerning voter outreach and education.**

Members of the public are invited to comment regarding how to encourage greater voter participation in San Francisco elections.
9. **Discussion regarding Items for future agendas.**
10. **Announcements.**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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The Elections Commission

July 21, 2004

City and County of San Francisco

Elections Commission

Approved: August 4, 2004

Minutes of the Meeting held

July 21, 2004

at the

South Of Market Recreation Center

270 – 6th Street

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 6:04 pm.

2. **ROLL CALL.** PRESENT: Commissioners Safire, Trasviña, Townsend, Mendelson and Gleason. ABSENT: Commissioner Kenealey.

3. **DIRECTOR'S REPORT.**

Ranked Choice Voting (RCV)– The Director John Arntz told the audience that Ranked Choice Voting (RCV) has been the main issue for elections in San Francisco for the last two years. He explained that, in RCV, voters get to vote three times for the same contest. The voter will have a first, second and third choice to make. The Department of Elections has recently had its vote tabulation system certified by the Secretary of State (SOS) for use in the upcoming November election for Supervisors in districts 1, 2, 3, 5, 7, 9 and 11. The ballot will be different from any previously used in

San Francisco because it will allow the voter to make three choices. The Director pointed out that there were brochures and samples of the ballot available on the information table at this meeting.

The Department (DoE) is conducting informational presentations twice a week in City Hall. The first of these presentations in Chinese will take place on Friday, July 30, 2004 at 2:00 pm in room 416; on August 4, 2004 there will be the first Spanish presentation.

The DoE is in the process of contracting with nine community organizations for the dispersal of educational information regarding RCV to voters.

The Director advised that the Department is developing a flash animation link in its website which will allow web visitors to actually vote a hypothetical ballot and watch how the vote is tabulated.

Commissioner Trasviña asked whether, if a voter cast a vote for the same person as his or her first and second choice, the second choice vote would not be counted. Mr. Arntz replied that this is correct. Commissioner Trasviña asked if there was any plan to flag that vote so that the voter would be made aware that the vote was cast incorrectly and would not be counted. Mr. Arntz said that the voting machine would reject the ballot and let the voter know that he or she did not vote correctly according to RCV.

Voter Services Division – This group handles the registration cards for voters. This division is currently involved in verifying the signatures-in-lieu petitions that have been submitted by candidates and proposition supporters as a manner in which to cut their filing fee expense for appearing on the ballot. Each candidate or potential proposition gets fifty cents deducted from their filing fee for each valid registered voter who signs their petition. This division gets thousands of signatures that need to be verified as belonging to registered voters in the appropriate district.

Campaign Services Division – This group runs the DoE's front desk. They have been working with the candidates during their signatures-in-lieu campaigns, answering questions about RCV and answering phone calls.

Poll Locating and Americans with Disabilities – Next Monday from noon to 4:30 pm in front of the DoE offices, this group will be hosting a demonstration of various touch screen voting technologies. The disabled community is especially interested to know how these systems work, should the Department decide to use this technology in the future. This demonstration is being organized by the Mayor's Office on Disability and the Department of Elections.

Ballot Distribution – This division is preparing to mail 125,000 absentee ballots for this November's election. The ballot this year will be large. It is possible that it may have as many as four cards.

Technology Division – This division is in the process of upgrading the Department's voter data information. Prior to an election, the number of DoE staff is approximately 35 people. As the election approaches, staffing increases to over 200 people. This requires a lot of resources and planning.

Budget and Personnel – The City's fiscal year ends on June 30th. This staff is closing out the fiscal year and preparing for the next.

The Director informed the Commission that if the petitions that were turned in for the recall of the Supervisor in District 10 are validated, the recall election will occur after the November election. Commissioner Mendelson asked the Director what would be the cost of the recall election. Mr. Arntz responded that newspapers have estimated the cost at one million dollars, but he said the Department has no idea.

Commissioner Trasviña asked if the voting machines would be programmed to return ballots where no candidate is voted, so that a voter will be made aware and can decide whether to affirmatively not vote. Mr. Arntz said that the machines can be programmed to reject a ballot if a race is under-voted. Commissioner Trasviña clarified that this would presumably address a situation where a voter thinks he or she is writing in a candidate but did not correctly mark the ballot. Would that vote come under the same protection? Mr. Arntz said that it would if there were no other marks for that contest.

Commissioner Trasviña asked when would the certification of write-in candidates occur. Mr. Arntz replied that the date is October 26. The Commissioner asked if it would be too late to program the voting machines to return the ballot if no candidate is correctly voted upon. Mr. Arntz said that the Department could set up testing where the machine would reject the ballot. Mr. Arntz said that the voting machines are not currently programmed to do this because many people choose not to vote their entire ballot. A lot of voters may vote just the Presidential contest.

Commissioner Townsend asked that this topic be covered more completely at a Commission Meeting before the November election.

4. **NEW BUSINESS**

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of July 7, 2004.** Commissioner Mendelson MOVED and Commissioner Safire SECONDED the approval of the minutes. Commissioner Trasviña presented minor corrections that the Commission Secretary reported she had reviewed and agreed to incorporate into the draft. Motion CARRIED to approve the minutes with the additions presented by Commissioner Trasviña.

(b) **Discussion and possible action to elect a Vice President of the**

Commission. President Townsend reminded the Commission that Vice President Tony Winnicker had resigned from the Commission and that the President had asked the members to consider a replacement candidate at the last Commission meeting. President Townsend asked for nominations. Commissioner Mendelson nominated Commissioner Eric Safire. There were no other nominations. The vote for Mr. Safire to become Vice President was UNANIMOUS.

5. **Overview of the Voter Outreach and Education Programs.**

(a) **Presentation by Department of Elections.** Charles McNaulty gave a brief history of the Charter Amendment that passed in 2002 that established RCV for San Francisco and a presentation of the RCV outreach program. He explained that the election this November will be the first time the method will be used in San Francisco. In the past, voters could mark one candidate for office in local contests and if no candidate received more than 50 percent of the vote, the two candidates with the most votes would participate in a separate run-off election in December. Ranked Choice Voting eliminates the need for a separate election by allowing a voter to choose three candidates in the order of the voter's preference. A candidate still needs more than 50 per cent of the votes to win. He noted that RCV does not apply to members of the Board of Education or the Community College board, but does apply to all other City offices.

Mr. McNaulty reported that paper ballots and the same optical scan eagle machines that the City has used since 2000 will be used for RCV in November. The Voter Information Pamphlet (VIP) that is mailed to each registered voter before the election will contain a sample of the ballot used to select three candidates in order of preference. The results of the election must be announced no later than 28 days after election day.

Mr. McNaulty explained that the Board of Supervisors approved an outreach plan for educating voters about RCV in July 2003. Part of the plan is to distribute grants to community-based organizations who will assist the DoE in that effort. The total amount to be shared by these organizations is \$210,000.

Twenty-Five Thousand dollars has been awarded for ethnic media outreach to limited English speaking voters.

Cecile Caterson has been selected as grant administrator.

Public Comment. *Mr. Herman* said there is no mathematical certainty that, with just three choices, a candidate will get a majority of the votes cast. Director Arntz explained that the candidate with the fewest votes received is eliminated and the voting goes to the next round where they are counted for the second choice candidate and then to the third round, if necessary until a remaining candidate gets a majority of the votes. *James Bryant* asked if there will be a list of all the organizations who will be awarded grants. Director Arntz answered that the contract negotiations should be completed next week.

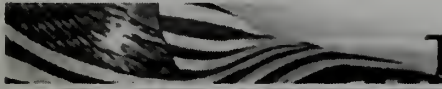
- (b) **Presentation by Bouchard McElry Communications Group, a firm assisting the Department of Elections regarding Ranked Choice Voting education.** Anne Bouchard explained that her company has partnered with Elections Systems and Software for the outreach to educate voters about the RCV method. She said her priorities were to inform the voters about how the method works, how it's going to be administered and what to do when they get to the voting booth. The company will be developing brochures, polling place posters and doing media outreach via radio, television and newspapers.

Mary Towne advised attendees that there were sample posters available on the information table for this meeting. These posters will be printed in English, Spanish and Chinese. Print advertisements will be showing up in newspapers in August. Public Service Announcements in 30 second, 15 second and 10 second formats will be distributed to local radio and television station PSA Directors in September. Voters will also be seeing bus panels on public transportation soon.

Public Comment. *Speaker* suggested that the community-based groups also be given press kits similar to those given to media to assist them in their outreach efforts. *President Townsend* suggested that type size be increased in the informational materials so that seniors will be able to read it with less difficulty. *Speaker* asked if there was some way to make presentations, which he found to be very dry, more interesting by using animation. The speaker said he was planning to run a mock election in his apartment building using food requests which will be voting upon and the winning choices will be served as an example of ranked choice voting.

ADJOURNED at 7:20 pm

Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

August 04, 2004

City and County of San Francisco

Elections Commission

Approved: August 18, 2004

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Minutes of the Meeting held

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August 4, 2004SAN FRANCISCO
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- **1. CALL TO ORDER.** President Townsend called the meeting to order at 7:12 pm.

2. **ROLL CALL.** PRESENT: Commissioners Trasviña, Townsend, Gleason and Mendelson. ABSENT: Commissioners Safire.

3. **FLAG SALUTE.** The flag salute was led by President Townsend.

4. **Public Comment:** *Francisco Da Costa* said that he was the Director of Environmental Justice Advocacy, and that he had left seven telephone messages for the Department of Elections and none of them were answered. Mr. Da Costa said he was attempting to get information about the laws governing recalls. *Willie Ratcliff*, publisher of the San Francisco Bayview Newspaper, said he was a general contractor and developer. Mr. Ratcliff said that he didn't understand why the Department did not use random sampling to count the petition signatures for the recall petition. He said that it appears that the petitions are "at the bottom of the pile" in priority for the Department. *Maurice Campbell* said that he had read the Civil Grand Jury's 2002-2003 Report with its recommendations regarding the Department of Elections operations. Mr. Campbell said that one of the persons responsible for getting the recall petitions to the DoE in a timely fashion was given the wrong information by the Department. He asked the Commission to include the recall election in the November 2004 election because it would save the City money and that by having one election citizens wouldn't be intimidated when they would leave their homes to vote in a special recall election on another date. *Mary Bull* said that she was an activist and organizer, and that District 10 deserves its recall. She said there was "room for interpretation in the law."

President Townsend announced that he had received a letter of resignation from Commissioner Robert Kenealey. The President said that the Commission will greatly miss Commissioner Kenealey's input and counsel.

Commissioner Trasviña said that since he was the most junior member of the Commission, he wanted to ask how members of the community could bring issues to Commission meetings that are important to them. He asked what were the parameters for answering public questions, could the Commissioners ask the questions of the Director, and is there an opportunity for the Commission to discuss those issues.

President Townsend answered that he felt some of the items mentioned in public comment would be covered in the Director's Report, and that this would be when the Commissioners could ask the Director specific questions. Mr. Townsend added that the Commissioners can respond but it has been the practice to not do so to avoid back and forth dialogue that can allow a meeting to get out of hand. Julia Moll, Deputy City Attorney, added that if Commissioners want to calendar the recall item for discussion and possible action, that they make that request and it can be added to a future agenda.

President Townsend stated that there was a request made to him by a member of the public to add this item but that it came too late to be added to the agenda for tonight's meeting. He reminded the audience that the Sunshine Ordinance of the Administrative Code requires that agendas be posted 72 hours prior to the meeting.

5. DIRECTOR'S REPORT.

November 2, 2004 Election – The Director reported the DoE continues to have twice weekly presentations regarding Ranked Choice Voting (RCV). The presentations on Wednesdays are in a rotation schedule of the following languages: Cantonese, Mandarin and Spanish. On Fridays the presentations are in English. Over 400 community organizations have been contacted with offers to provide RCV presentations to their members. So far, 30 general outreach presentations which cover RCV and other voting questions and concerns have been scheduled.

Translations of brochures into Russian and Tagalog have begun and are expected to be available the week of August 13, 2004.

The Ranked Choice voting website will be interactive and allow voters to mark a ballot that will be available in English, Chinese and Spanish.

On August 13, 2004, the DoE will host a workshop on RCV for the Board of Supervisors' Legislative Aides. All of the 17 neighborhood newspapers are beginning to run ads about RCV. Ads on the MUNI buses will begin in September and October and will be in English, Chinese and Spanish.

Voter Services Division – The division received the District 10 recall petitions that were submitted by the proponents. These petitions have been reviewed and labeled and a random sampling program to determine which signatures will be checked has been run. The division has received and processed 1600 of the address confirmation cards returned by the voters within the last two weeks. The division is preparing information for overseas voters that must be mailed 75 days before an election. There are 500 to 700 registration cards to be processed because they were turned in when the signatures in lieu petitions were received. These are expected to be completed by Friday.

Campaign Services – This division has been deluged with the campaign forms required by the Fair Political Practices Act (FPPCs), which all donors, organizations and candidates who make or receive campaign donations must file. San Francisco is one of the three depositories in the state. The other depositories are Sacramento and Los Angeles. The Director reported that the handling and filing of these forms is a huge burden on the Department because seven or more staff members are required to index and file the FPPCs in a timely manner so that they are available to the public. This activity is simultaneous to the submissions for ordinances by the Mayor or the Board and Friday is the end of the nomination period for candidates for supervisor for this November.

Poll Locating – This division had a very successful demonstration of voting technology last Monday. Four of the five invited vendors attended and provided equipment and demonstrations. The disabled community requested this demonstration. The vendors were surprised when over one hundred citizens attended. Far fewer people usually attend these demonstrations.

Previous polling place owners have been contacted to determine their site's availability for this fall. Poll locators come on board to begin their work next week.

Ballot Distribution – This division is developing procedures for properly and effectively accommodating ballots due to the limited storage space at 240 Van Ness. The near final draft is in review for the RCV hand counting plan. It is expected to take one week per district to complete a hand count.

Technology Division – The division is setting up computers for the pre-election

staffing increase. Among the increased staff are logic and accuracy workers, poll workers recruiters and staffing for the front desk. Also they are preparing the data base for the November election.

Budget / Personnel Update – A Superior Court Judge placed an injunction on the City applying certain requirements under the contracting laws we use in the City which relate to minority and women owned businesses. This stopped all purchasing in the City. It is critical for the DoE to continue its contracting in order to be ready for the November election. The City Attorney's Office and the Office of Contract Administration were helpful in finding a legal basis to allow us to continue our DoE purchasing.

This division is putting together a budget for the Help America Vote Act funding to help train poll workers for this fall. The maximum grant is \$300,000.

Currently it appears there will be 41 ballot types for this fall. The division is preparing the ballot order made more complicated because of RCV and the possibility of more spoiled ballots. The vehicle order is being prepared. The DoE uses between 150 – 200 vehicles including rentals and City loaner vehicles for an election. Orders for telephones are being analyzed because it is expected that the Department will be getting many more questions from the public as the election draws closer.

Regarding personnel, the DoE is preparing its paperwork to bring back increasing numbers of former workers.

Ballot Simplification Committee (BSC) – This group began working last Monday and approves the short explanation of the ballot measures that are in the Voters' Guide (VIP). The instructions on RCV were submitted to this committee and they have provided very clear instructions that the DoE will be using in the VIP for this election.

In conclusion, Director Arntz reported that there are 14 state measures, 15 local measures, 2 local bonds and 1 BART Bond on the ballot. He said it looks like we will have the largest ballot in the country this fall.

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President Townsend asked the Deputy City Attorney if she had anything further to add. Ms. Moll said that her office had orally advised the DoE regarding the Charter, the deadlines and the fact that the Charter guarantees not only to the DoE but to the recall proponents and the office holder (who is sought to be recalled), a minimum of 105 days to prepare for a recall AFTER a petition is certified. Ms. Moll said that she will put together formal written advice on this issue.

Commissioner Mendelson asked the Deputy City Attorney if there is anything that has occurred that is not consistent with the applicable law. Ms. Moll answered negatively.

President Townsend asked the Director what takes priority for verification of signatures, does it happen when they are turned in, or do petitions or signatures in lieu take priority. Mr. Arntz explained that it is a balancing act. He explained that when the recall petition was submitted, there were two more days remaining to complete checking the signatures in lieu petitions, and there were thousands of them to check. If the DoE has two days left on one deadline – and there's a lot of work to do for that deadline, it is very difficult to stop everything and look at another petition. Mr. Arntz said that if the time period had been longer than one day, perhaps the DoE could have done something. But the Department was given no time in which to process the recall petitions.

Commissioner Trasviña said that he had been contacted by one of the recall proponents who told him that they were aware that their deadline was July 2, but were asking him if he thought they could get more time. The Commissioner advised them that it was in the hands of the Director. The proponents assured Commissioner Trasviña that they would have the petitions submitted right after the Fourth of July weekend. It appeared to him, he said, that the proponents were aware of the ramifications of the various deadlines. Commissioner Trasviña asked the Director if it was correct that if the original deadline had been met, it would have been a workload issue whether the DoE could have had all the work done by July 20th but as of the 20th it was a legal issue about when the election can be set. Director Arntz said that it was both a workload and a legal issue prior to July 20 and solely a legal issue thereafter.

Public Comment – *Francisco Da Costa* said that in interpreting laws, there are many gray areas and many different interpretations. He said the recall can still be put on the November ballot. *Willie Ratcliff* asked why the random sample wasn't done right away. He said it didn't make sense. *Mary Bull* said that she used to be a software expert and that the random sampling would only take one day not the week the Director said the Department needed. She said the City owes a lot to the people of District 10 and at least the City could let this recall be on the fall ballot.

6. **New Business.**

6(a) Discussion and possible action to approve the minutes for the Commission meeting of July 21, 2004. Commissioner Mendelson MOVED and Commissioner Trasviña SECONDED approval of the minutes. The motion CARRIED.

Commissioner Mendelson asked for a point of personal privilege, per the Brown Act, to issue a commendatory letter to Commissioner Robert Kenealey. He asked that the Commission create a certificate or other memento recognizing the outstanding service of Commissioner Robert Kenealey. Commissioner Gleason SECONDED. **Public Comment** – *Charles Marsteller* agreed that Commissioner Kenealey should be recognized for going through the difficult times of the Elections Commission's earlier days. The motion CARRIED. President Townsend asked that the Budget and Policy Committee prepare the document for the full Commission's review.

6(b) Discussion and possible action regarding whether the optical scan voting machines can and should be programmed to reject under-voted ballots for the November 2004 election. This programming could allow voters a second opportunity to examine their voted ballot.

Director Arntz reported that he had discussions with Elections Systems and Software about this issue. Mr. Arntz said that he had been advised that the Eagle voting equipment would need to be reprogrammed to provide this function and the machines would need to be recertified and this could not be done in time for November. Mr. Arntz suggested that the poll workers assigned to each voting machine be trained to remind voters to make sure that they have voted in all the contests they intended to vote.

Deputy City Attorney Julia Moll added that beginning in 2006, federal law will require that voting systems notify voters when they have over-voted, that is, cast more than the allowable votes. However, this will not apply to under-votes.

President Townsend asked if was possible that the Department would have enough time after the November election and before the next full election to program the machines to reject under-voted ballots and get certification. Mr. Arntz answered affirmatively.

President Townsend asked if this item could be continued to another meeting because he was certain there are more people interested in this item than those present at this meeting and he'd like to give them another chance for input.

Public Comment – *Eric Allen* said he had attended the meeting specifically for this item. He said that if a voter had intentionally only voted for one candidate and was questioned when his or her ballot was rejected whether this was the intention, that voter might feel intimidated to pick more candidates than he originally intended. Mr. Allen said that “just because you have technology to do stuff, doesn’t mean that it’s a good idea to use that technology.” He said that this starts to tell people what they ought to be doing.

7. **Discussion regarding items for future agendas.**

President Townsend said that he would like an update on the recall petitions.

Commissioner Trasviña asked whether there was any action the Commission was authorized to take regarding the recount matter. Ms. Moll answered that there was not. Commissioner Trasviña stated that tonight’s experience of having the matter come up as part of the Director’s Report provided an adequate opportunity for the Director, the Commissioners and the public to discuss it. He suggested that the Director’s Report could cover any updates in the future.

President Townsend withdrew his suggestion in favor of the Director giving the Commission and the public updates during his reports.

Public Comment – *Francisco Da Costa* said that senior citizens should be considered when the DoE does its outreach on RCV. He said it was an insult for the matter of the recall to be updated by the Director in his Report to the Commission at its meetings. *Willie Ratcliff* said that putting the recall updates in the Director’s report was taking away the responsibility of the Commission. *Mary Bull* said that President Townsend’s statement to Director Arntz that he “imagined that the signatures would be verified by the next Director’s Report to the Commission” was ambiguous. She asked if this was the President’s direction or was it a question. President Townsend replied that he asked the Director would the signatures be counted by the next Director’s Report.

President Townsend asked that a discussion of the authority of the Elections Commission in the matter of a recall election be calendared on the next agenda so that this information will be clear. He said the areas covered should include: setting a coming election and deciding how and who decides what goes on the ballot and what does not.

Commissioner Trasviña asked if the opinion regarding the recall that Deputy City Attorney Moll said she would prepare in writing for the Commission would be a public

document. Ms. Moll said that she is working on a memo to the Commission and she doesn't yet know if it will be a public document.

Public Comment – *Mary Bull* asked if the Commission was stating, at this time, that it is illegal for the recall to go on the November 2004 ballot. Director Arntz answered that the deadlines are in the Charter and that he has no discretion on the deadlines. Mr. Arntz added that the random sampling can not be completed in the two to five minutes originally suggested in public comment, but will take three to five days. He reminded the audience that the Director and the Commission have no discretion in this matter. If the signatures on the petitions are verified, there will be a recall election, however, it will not happen in November.

ADJOURNMENT at 8:36 pm.

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, August 4, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Eric Saire, Vice President
The Honorable Gerard Gleason
The Honorable Michael Mendelson
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. **Director's Report**

- November 2, 2004 Election
- Voter Services Division
- Campaign Services
- Poll Locating/ADA
- Ballot Distribution
- Technology Division
- Budget/Personnel
- Poll Worker Division
- Ballot Simplification Committee

6. **New Business**

- (a) Discussion and possible action to approve the minutes for the Commission meeting of July 21, 2004.
- (b) Discussion and possible action regarding whether the optical scan voting machines can and should be programmed to reject under-voted ballots for the November 2004 election. This programming could allow voters a second opportunity to examine their voted ballot.

7. **Discussion regarding items for future agendas.**

8. **Public comment** on any issue within the Elections Commission's general jurisdiction.

9. **Announcements.**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



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The Elections Commission

August 04, 2004

City and County of San Francisco

Elections Commission

Approved: August 18, 2004

*Minutes of the Meeting held***August 4, 2004**

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- **1. CALL TO ORDER.** President Townsend called the meeting to order at 7:12 pm.

- 2. ROLL CALL.** PRESENT: Commissioners Trasviña, Townsend, Gleason and Mendelson. ABSENT: Commissioners Safire.

- 3. FLAG SALUTE.** The flag salute was led by President Townsend.

- 4. Public Comment:** *Francisco Da Costa* said that he was the Director of Environmental Justice Advocacy, and that he had left seven telephone messages for the Department of Elections and none of them were answered. Mr. Da Costa said he was attempting to get information about the laws governing recalls. *Willie Ratcliff*, publisher of the San Francisco Bayview Newspaper, said he was a general contractor and developer. Mr. Ratcliff said that he didn't understand why the Department did not use random sampling to count the petition signatures for the recall petition. He said that it appears that the petitions are "at the bottom of the pile" in priority for the Department. *Maurice Campbell* said that he had read the Civil Grand Jury's 2002-2003 Report with its recommendations regarding the Department of Elections operations. Mr. Campbell said that one of the persons responsible for getting the recall petitions to the DoE in a timely fashion was given the wrong information by the Department. He asked the Commission to include the recall election in the November 2004 election because it would save the City money and that by having one election citizens wouldn't be intimidated when they would leave their homes to vote in a special recall election on

another date. *Mary Bull* said that she was an activist and organizer, and that District 10 deserves its recall. She said there was "room for interpretation in the law."

President Townsend announced that he had received a letter of resignation from Commissioner Robert Kenealey. The President said that the Commission will greatly miss Commissioner Kenealey's input and counsel.

Commissioner Trasviña said that since he was the most junior member of the Commission, he wanted to ask how members of the community could bring issues to Commission meetings that are important to them. He asked what were the parameters for answering public questions, could the Commissioners ask the questions of the Director, and is there an opportunity for the Commission to discuss those issues.

President Townsend answered that he felt some of the items mentioned in public comment would be covered in the Director's Report, and that this would be when the Commissioners could ask the Director specific questions. Mr. Townsend added that the Commissioners can respond but it has been the practice to not do so to avoid back and forth dialogue that can allow a meeting to get out of hand. Julia Moll, Deputy City Attorney, added that if Commissioners want to calendar the recall item for discussion and possible action, that they make that request and it can be added to a future agenda.

President Townsend stated that there was a request made to him by a member of the public to add this item but that it came too late to be added to the agenda for tonight's meeting. He reminded the audience that the Sunshine Ordinance of the Administrative Code requires that agendas be posted 72 hours prior to the meeting.

5. DIRECTOR'S REPORT.

November 2, 2004 Election – The Director reported the DoE continues to have twice weekly presentations regarding Ranked Choice Voting (RCV). The presentations on Wednesdays are in a rotation schedule of the following languages: Cantonese, Mandarin and Spanish. On Fridays the presentations are in English. Over 400 community organizations have been contacted with offers to provide RCV presentations to their members. So far, 30 general outreach presentations which cover RCV and other voting questions and concerns have been scheduled.

Translations of brochures into Russian and Tagalog have begun and are expected to be available the week of August 13, 2004.

The Ranked Choice voting website will be interactive and allow voters to mark a ballot that will be available in English, Chinese and Spanish.

On August 13, 2004, the DoE will host a workshop on RCV for the Board of Supervisors' Legislative Aides. All of the 17 neighborhood newspapers are beginning to run ads about RCV. Ads on the MUNI buses will begin in September and October and will be in English, Chinese and Spanish.

Voter Services Division – The division received the District 10 recall petitions that were submitted by the proponents. These petitions have been reviewed and labeled and a random sampling program to determine which signatures will be checked has been run. The division has received and processed 1600 of the address confirmation cards returned by the voters within the last two weeks. The division is preparing information for overseas voters that must be mailed 75 days before an election. There are 500 to 700 registration cards to be processed because they were turned in when the signatures in lieu petitions were received. These are expected to be completed by Friday.

Campaign Services – This division has been deluged with the campaign forms required by the Fair Political Practices Act (FPPCs), which all donors, organizations and candidates who make or receive campaign donations must file. San Francisco is one of the three depositories in the state. The other depositories are Sacramento and Los Angeles. The Director reported that the handling and filing of these forms is a huge burden on the Department because seven or more staff members are required to index and file the FPPCs in a timely manner so that they are available to the public. This activity is simultaneous to the submissions for ordinances by the Mayor or the Board and Friday is the end of the nomination period for candidates for supervisor for this November.

Poll Locating – This division had a very successful demonstration of voting technology last Monday. Four of the five invited vendors attended and provided equipment and demonstrations. The disabled community requested this demonstration. The vendors were surprised when over one hundred citizens attended. Far fewer people usually attend these demonstrations.

Previous polling place owners have been contacted to determine their site's availability for this fall. Poll locators come on board to begin their work next week.

Ballot Distribution – This division is developing procedures for properly and effectively accommodating ballots due to the limited storage space at 240 Van Ness. The near final draft is in review for the RCV hand counting plan. It is expected to take one week per district to complete a hand count.

Technology Division – The division is setting up computers for the pre-election staffing increase. Among the increased staff are logic and accuracy workers, poll workers recruiters and staffing for the front desk. Also they are preparing the data base for the November election.

Budget / Personnel Update – A Superior Court Judge placed an injunction on the City applying certain requirements under the contracting laws we use in the City which relate to minority and women owned businesses. This stopped all purchasing in the City. It is critical for the DoE to continue its contracting in order to be ready for the November election. The City Attorney's Office and the Office of Contract Administration were helpful in finding a legal basis to allow us to continue our DoE purchasing.

This division is putting together a budget for the Help America Vote Act funding to help train poll workers for this fall. The maximum grant is \$300,000.

Currently it appears there will be 41 ballot types for this fall. The division is preparing the ballot order made more complicated because of RCV and the possibility of more spoiled ballots. The vehicle order is being prepared. The DoE uses between 150 – 200 vehicles including rentals and City loaner vehicles for an election. Orders for telephones are being analyzed because it is expected that the Department will be getting many more questions from the public as the election draws closer.

Regarding personnel, the DoE is preparing its paperwork to bring back increasing numbers of former workers.

Ballot Simplification Committee (BSC) – This group began working last Monday and approves the short explanation of the ballot measures that are in the Voters' Guide (VIP). The instructions on RCV were submitted to this committee and they have provided very clear instructions that the DoE will be using in the VIP for this election.

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President Townsend asked the Deputy City Attorney if she had anything further to add. Ms. Moll said that her office had orally advised the DoE regarding the Charter, the deadlines and the fact that the Charter guarantees not only to the DoE but to the recall proponents and the office holder (who is sought to be recalled), a minimum of 105 days to prepare for a recall AFTER a petition is certified. Ms. Moll said that she will put together formal written advice on this issue.

Commissioner Mendelson asked the Deputy City Attorney if there is anything that has occurred that is not consistent with the applicable law. Ms. Moll answered negatively.

President Townsend asked the Director what takes priority for verification of signatures, does it happen when they are turned in, or do petitions or signatures in lieu take priority. Mr. Arntz explained that it is a balancing act. He explained that when the recall petition was submitted, there were two more days remaining to complete checking the signatures in lieu petitions, and there were thousands of them to check. If the DoE has two days left on one deadline – and there's a lot of work to do for that deadline, it is very difficult to stop everything and look at another petition. Mr. Arntz said that if the time period had been longer than one day, perhaps the DoE could have done something. But the Department was given no time in which to process the recall petitions.

Commissioner Trasviña said that he had been contacted by one of the recall proponents who told him that they were aware that their deadline was July 2, but were asking him if he thought they could get more time. The Commissioner advised them that it was in the hands of the Director. The proponents assured Commissioner Trasviña that they would have the petitions submitted right after the Fourth of July weekend. It appeared to him, he said, that the proponents were aware of the ramifications of the various deadlines. Commissioner Trasviña asked the Director if it was correct that if the original deadline had been met, it would have been a workload issue whether the DoE could have had all the work done by July 20th but as of the 20th it was a legal issue about when the election can be set. Director Arntz said that it was both a workload and a legal issue prior to July 20 and solely a legal issue thereafter.

Public Comment – *Francisco Da Costa* said that in interpreting laws, there are many gray areas and many different interpretations. He said the recall can still be put on the November ballot. *Willie Ratcliff* asked why the random sample wasn't done right away. He said it didn't make sense. *Mary Bull* said that she used to be a software expert and that the random sampling would only take one day not the week the Director said the

Department needed. She said the City owes a lot to the people of District 10 and at least the City could let this recall be on the fall ballot.

6. **New Business.**

6(a) Discussion and possible action to approve the minutes for the Commission meeting of July 21, 2004. Commissioner Mendelson MOVED and Commissioner Trasviña SECONDED approval of the minutes. The motion CARRIED.

Commissioner Mendelson asked for a point of personal privilege, per the Brown Act, to issue a commendatory letter to Commissioner Robert Kenealey. He asked that the Commission create a certificate or other memento recognizing the outstanding service of Commissioner Robert Kenealey. Commissioner Gleason SECONDED. **Public Comment** – *Charles Marsteller* agreed that Commissioner Kenealey should be recognized for going through the difficult times of the Elections Commission's earlier days. The motion CARRIED. President Townsend asked that the Budget and Policy Committee prepare the document for the full Commission's review.

6(b) Discussion and possible action regarding whether the optical scan voting machines can and should be programmed to reject under-voted ballots for the November 2004 election. This programming could allow voters a second opportunity to examine their voted ballot.

Director Arntz reported that he had discussions with Elections Systems and Software about this issue. Mr. Arntz said that he had been advised that the Eagle voting equipment would need to be reprogrammed to provide this function and the machines would need to be recertified and this could not be done in time for November. Mr. Arntz suggested that the poll workers assigned to each voting machine be trained to remind voters to make sure that they have voted in all the contests they intended to vote.

Deputy City Attorney Julia Moll added that beginning in 2006, federal law will require that voting systems notify voters when they have over-voted, that is, cast more than the allowable votes. However, this will not apply to under-votes.

President Townsend asked if it was possible that the Department would have enough time after the November election and before the next full election to program the machines to reject under-voted ballots and get certification. Mr. Arntz answered affirmatively.

President Townsend asked if this item could be continued to another meeting because he was certain there are more people interested in this item than those present at this meeting and he'd like to give them another chance for input.

Public Comment – *Eric Allen* said he had attended the meeting specifically for this item. He said that if a voter had intentionally only voted for one candidate and was questioned when his or her ballot was rejected whether this was the intention, that voter might feel intimidated to pick more candidates than he originally intended. Mr. Allen said that “just because you have technology to do stuff, doesn’t mean that it’s a good idea to use that technology.” He said that this starts to tell people what they ought to be doing.

7. Discussion regarding items for future agendas.

President Townsend said that he would like an update on the recall petitions.

Commissioner Trasviña asked whether there was any action the Commission was authorized to take regarding the recount matter. Ms. Moll answered that there was not. Commissioner Trasviña stated that tonight’s experience of having the matter come up as part of the Director’s Report provided an adequate opportunity for the Director, the Commissioners and the public to discuss it. He suggested that the Director’s Report could cover any updates in the future.

President Townsend withdrew his suggestion in favor of the Director giving the Commission and the public updates during his reports.

Public Comment – *Francisco Da Costa* said that senior citizens should be considered when the DoE does its outreach on RCV. He said it was an insult for the matter of the recall to be updated by the Director in his Report to the Commission at its meetings. *Willie Ratcliff* said that putting the recall updates in the Director’s report was taking away the responsibility of the Commission. *Mary Bull* said that President Townsend’s statement to Director Arntz that he “imagined that the signatures would be verified by the next Director’s Report to the Commission” was ambiguous. She asked if this was the President’s direction or was it a question. President Townsend replied that he asked the Director would the signatures be counted by the next Director’s Report.

President Townsend asked that a discussion of the authority of the Elections Commission in the matter of a recall election be calendared on the next agenda so that this information will be clear. He said the areas covered should include: setting a coming election and deciding how and who decides what goes on the ballot and what does not.

Commissioner Trasviña asked if the opinion regarding the recall that Deputy City Attorney Moll said she would prepare in writing for the Commission would be a public document. Ms. Moll said that she is working on a memo to the Commission and she doesn't yet know if it will be a public document.

Public Comment – *Mary Bull* asked if the Commission was stating, at this time, that it is illegal for the recall to go on the November 2004 ballot. Director Arntz answered that the deadlines are in the Charter and that he has no discretion on the deadlines. Mr. Arntz added that the random sampling can not be completed in the two to five minutes originally suggested in public comment, but will take three to five days. He reminded the audience that the Director and the Commission have no discretion in this matter. If the signatures on the petitions are verified, there will be a recall election, however, it will not happen in November.

ADJOURNMENT at 8:36 pm.



ELECTIONS COMMISSION
City and County of San Francisco

AGENDA

ELECTIONS COMMISSION
Wednesday, August 18, 2004
Mission Recreation Center
745 Treat Street
Second Floor Meeting Room
(Between 20th and 21st Streets)

at 6:00 pm

DOCUMENTS DEPT.

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COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Gerard Gleason
The Honorable Michael Mendelson
The Honorable Eric Safire
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - (a) **November 2, 2004 Election**
 - Voter Services Division
 - Campaign Services
 - Poll Locating/ADA
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel
 - Poll Worker/Training Division
 - (b) **Proposed Recall for District 10**
6. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of August 4, 2004.
 - (b) Discussion and possible action to approve the Election Plan for November 2, 2004 Election.
 - (c) Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the November 2, 2004 election.
 - (d) Discussion of the authority of the Elections Commission concerning the proposed recall election and how measures qualify for the ballot.
 - (e) Discussion of placement of candidates' names on the November ballot.
7. **Presentation by Department of Elections Staff regarding Ranked Choice Voting education.**
8. **Public Comment concerning voter outreach and education.**

Members of the public are invited to comment regarding how to encourage greater voter participation in San Francisco elections.
9. **Discussion regarding items for future agendas.**
10. **Announcements.**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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The Elections Commission

August 18, 2004

City and County of San Francisco

Elections Commission

Approved: 9/01/04

Minutes of the Meeting held

August 18, 2004

DOCUMENTS DEPT.

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- **1. CALL TO ORDER.** President Townsend called the meeting to order at 6:08 pm.

2. **ROLL CALL.** PRESENT: Commissioners Trasviña, Townsend, Gleason and Chung. ABSENT: Commissioners Safire and Mendelson.

President Arnold Townsend officially welcomed the newest member to the Commission, Sheila Chung, the Treasurer's appointee and invited her to say a few words.

Commissioner Chung said that she is currently the Director of the Bay Area Immigrant Rights Coalition and is excited about bringing some of the voices of immigrants to the Elections Commission.

President Townsend said that he was pleased that a member of a previously unrepresented community was now on the Commission.

3. **DIRECTOR'S REPORT.**

November 2, 2004 Election – The Director reported that the DoE had a

meeting the previous Thursday with New California Media, the ethnic media group organizing the print message for Ranked Choice Voting (RCV) outreach. The regular twice-weekly presentations continue in City Hall, Fridays in English and on Wednesdays the languages alternate between Spanish and Chinese. Six community outreach groups have begun their contracted work and four more community groups will begin once their contracts are finalized. Brochures on RCV are now available in Spanish, Russian, Chinese, English and Tagalog. A flash media website has been launched at the DoE website from which the public can actually test vote a RCV ballot. RCV advertisements will be in the neighborhood newspapers in October.

Voter Services Division – This division manages the data base where all voter records are kept. Overseas notices are being mailed out. The staff of this division dedicated over one full week to review the recall petition for Supervisor Sophie Maxwell. Currently the division is reviewing the proponent/opponent and paid arguments that have been submitted to confirm that the signers are registered San Francisco voters.

Poll Locating / ADA – This division is examining DoE files to ensure information is correct so that proper materials are sent to the correct polling places and that the information is being tracked properly. The division is also relocating polling places to assure that they are all ADA compliant. Currently, 75 percent of the sites completely meet the requirements of the Americans with Disabilities Act, and of the Help America Vote Act (HAVA). The division is preparing a grant proposal to obtain more money to help make more locations accessible under the HAVA. This grant is due August 26, 2004.

Ballot Distribution – This division has been cleaning out the basement of 240 Van Ness Avenue – the location where the City's ballots are to be stored. The Department expects to have 1.5 to 2M ballot cards coming in for the November election. This translates into between 4 and 5 cards for each ballot, depending upon the district.

Technology Division – This division has placed the poll worker application on the Department's website. Citizens can now sign up for employment on line. There is a text version of RCV, for persons with visual difficulties to hear instructions regarding RCV. The division is working on a satellite picture of all the polling places in the City which will allow citizens to type in their home addresses and be directed to a satellite picture of their polling place. Two new network servers have been installed to assist in the November RCV election. It is planned that the testing for logic and accuracy will happen the first week in September.

Budget / Personnel Update – Approximately fifteen new people have been added to the Department during the last week. Their paperwork is being processed and they are being scheduled for orientation. The Budget office is putting together a grant for poll worker training under the HAVA.

Poll Worker/Training Division – This division has begun sending letters to former poll workers to determine how many are interested in returning for the coming election. High School and College recruitment has begun. The poll worker manual on RCV is being finalized.

Campaign Services - This division is gathering the proponent/opponent and paid arguments in preparation for formatting in the Voters Information Pamphlet (VIP). At the end of August the ballots will have been formatted and on their way to the printer. It is expected that the City will have approximately 44 ballot types for November.

Proposed Recall for District 10 – Voter Services reviewed the petitions for the recall last week. The five-hundred-random-sample-count review indicated a failure of the recall. There was a high incidence of duplicate records in that sampling which prompted the review of all of the petitions. The Department found that the petition, again, failed. The proponents, the Supervisor and the Mayor have been informed.

Commissioner Trasviña asked if the community groups chosen for RCV outreach had received any funding to date. Director Arntz stated that some monies were dispersed at the beginning of contracts, and other monies will be paid as reimbursements. Commissioner Trasviña asked when will the contracting groups to begin their outreach services. Mr. Arntz said that the six groups who have been granted contracts have already begun. There are four additional groups who have not had their contracts signed yet, but some of these four have also begun outreach with material the DoE has provided. Commissioner Trasviña asked the Director about the progress in obtaining bi-lingual poll officials in Chinese and Spanish. Mr. Arntz said that in the past, the DoE has been very successful in recruiting Chinese bi-lingual poll workers, however, there has always been a challenge getting poll workers who speak Spanish. The Department is working very actively to recruit more Spanish speakers. Commissioner Trasviña suggested that the Director add a section to the poll worker interest letter, being sent to former poll workers, that asks if they know any Chinese or Spanish speaking people who may be interested in working the polls, to get in contact with the Department. Commissioner Trasviña asked the Director how many polling sites are ADA compliant and how many are not. Director Arntz answered that 75% are not and added that geographically, there are some sites that will never be compliant. He said for example, a sidewalk is too steep because it is in a neighborhood where there topography is hilly and steep.

Commissioner Chung asked how well attended the twice-weekly bi-lingual RCV training has been and how many training sessions have been conducted by the newly granted community groups. The Director said that he didn't have numbers on the community groups but the DoE's presentations in City Hall have had sporadic attendance. Sometimes there is a group that is interested and that group will send a large number of citizens to attend. He said he couldn't give the Commission an average number.

4. NEW BUSINESS

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of August 4, 2004.** Commissioner John Trasviña MOVED and Commissioner Gerard Gleason SECONDED approval of the minutes. MOTION CARRIED.
- (b) **Discussion and possible action to approve the Election Plan for November 2, 2004 Election.** Commissioner Gleason asked the Deputy City Attorney if he was correct that under the Charter amendment that established the Elections Commission, the Commission is to approve plans and procedures. He said that the mandate sounds generalized. The Commissioner said that the Elections Plan has parameters and timelines, and that in his experience, the big calamities have occurred because of procedural decisions or contingencies that come up. Mr. Gleason said that he was not sure that the Commission's job was to approve every actual procedure that the DoE would operate under.

Deputy City Attorney Moll confirmed that Charter requires approval of an election plan, but the Charter is not specific about the content of the plan. Ms. Moll added that, soon after the Charter requirement was enacted, she had spoken to the drafters about what they intended to be included in these plans. They conceded that they did not have a clear idea about what would be included, or that so much of elections is regulated by State law and not subject to change by an elections department. They also recognized that there are decisions made on short notice, and such decisions do not lend themselves to prior approval by a commission. Ms. Moll added that because of the lack of specificity in the Charter, the Elections Commission developed a template for an Election Plan. The staff generally follows the template. The Commission can revisit and change the template at any time.

Commissioner Gleason said that he felt that the Elections Plan could be called The General Election Plan or The Time Line or something similar.

President Townsend said that the Elections Plan gives the Commission a general sense of what the Department is doing leading up to the election. He said that changing the name of the plan can be put on the agenda should any Commissioner wish to do so.

Commissioner Trasviña stated that if use of City workers during the election is contemplated by the Director of Elections, that use of workers should be part of the Elections Plan.

Commissioner Trasviña asked the Director if planned oversight by the Commission has been included in past Elections Plans. President Townsend explained that Commissioners have provided oversight in areas of their choice, during elections, but that that oversight has not been included in the Elections Plan.

Commissioner Trasviña said that although the Director gives reports at every Commission meeting of the progress of the DoE's work in preparation for the upcoming election, that providing specific reports on the election should be part of the Elections Plan to the Commission.

Commissioner Gleason asked if there were to be some secondary reports to the Elections Plan, for example, what will happen to the RCV ballots at the polling places; that is, will the poll workers be separating them out so that the Department can have instant access to them if there needs to be a recount.. Would this be the kind of back up information given to the Commission?

Director Arntz replied that there is so much going on during an election and that it would be difficult to provide information if the Commission doesn't purposely request specific information.

President Townsend suggested that the Commission calendar, again, the Elections Plan and that the Commissioners make suggestions for inclusion in that plan.

Commissioner Trasviña said that he would like to amend the Elections Plan to include an oversight provision that would provide for the Director to provide at each Commission meeting until the Election, updates of the plans and procedures. President Townsend replied that the Director already does this at each meeting and that if Commissioner Trasviña wants something more, the Commissioner should provide specific directions. Commissioner Trasviña said that he would like the plan to have a provision for oversight so that, in the case, for instance, of Commissioner Gleason wanting to know certain procedures. Mr. Trasviña said that he wants to avoid the Department or the Director saying, "Oh, I didn't know you wanted to know that. I didn't know that was important to you. And the Commissioners finding out something from the press or from members of the public and being asked 'How is it you didn't know that'. The Department, or the experts in this case, ought to be able to anticipate what are important issues." Commissioner Trasviña clarified his request by saying, "For oversight, the Director shall report to the Commission at each meeting through the election period, on the plans and procedures for the election." Commissioner Trasviña offered to accept the Elections Plan with this amendment.

Commissioner Chung MOVED that the Election Plan be approved with the amendment by Commissioner Trasviña. SECONDED by Commissioner Gleason.

PUBIC COMMENT: *Jay Martin* said he saw the value of the overview, but he would rather want to see the Commission reviewing the internal, procedural documents. *An Unidentified Speaker* asked if the Director's Report could be opened up to allow public comment. *President Townsend* replied that those questions could be brought up at the end of the meetings when the public is asked to comment on any issue within the

Elections Commission's general jurisdiction. *Another Unidentified Speaker* said that he was in favor of the oversight because he had read the Civil Grand Jury's Report. *Gerry Bullock* said there were many "irregularities" in the last election.

This MOTION CARRIED.

- **(c) Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the November 2, 2004 election.** Commissioner Gleason asked Deputy City Attorney Moll if the role of the Sheriff was only for security and to escort the ballots. Ms. Moll explained that the role included transport of devices used to record votes -- not just ballots -- and approval of other aspects of security. She said she would provide more information about this issue before the next meeting.

Commissioner Gleason said that he would like to keep the Sheriffs' role to exactly what was established in the Charter Amendment. He said he was very sensitive to the fact that there were people with side-arms involved in the election process. He said it was a visual perception problem.

Ms. Moll reminded the Commissioner that the waiver being discussed did not pertain to that question.

Commissioner Gleason asked if a waiver would be required to have the Sheriff take on any function not specified in the Charter.

Ms. Moll said that the Charter charges the Sheriffs with security. No waiver would be required for work relating to elections security.

Commissioner Gleason said that he was bringing this matter up because two years ago the Sheriffs were filling in, after 5:00 pm on election day, as Field Election Deputies, and that he felt this was not intended to be their role.

The Director gave an overview of what the waiver does include. Mr. Arntz reported that the DoE needs help during elections with the computer systems because there is not

enough staff within the Department. In addition, City employees work as poll workers and Field Election Deputies (FEDs) – whole provide support throughout the precincts, and sometimes at the front desk and the phone desk. The Charter, he said, prevents City workers from being poll workers, therefore a waiver from the Board of Supervisors must be sought to use workers in these positions.

Commissioner Trasviña asked if the Director had a plan regarding how many City workers he would be using and from what departments and are any workers off limits. Mr. Arntz said that the DoE presents to the Board the number of people that the Department would like to use and the Board reviews the request. The Director said that at this point, it is not known how many poll workers or FEDs will be needed because citizen recruitment continues for those positions. He said he does know he needs 14 City workers for the uplink sites.

Commissioner Trasviña asked if there was going to be “a plan that the Board of Supervisors approves, or are they only approving the blanket waiver that we request?” Mr. Arntz said that sometimes the Board approves the waiver and sometimes members want to know how many staff from which departments. The Director explained that the waiver originated three years ago because people were displeased about how some of the elections were run. However, the perception of the DoE has changed since the Commission came to be under the Charter.

Commissioner Trasviña said that he was anticipating complaints that the waiver process was “open ended” and would allow Sheriffs, police officers and other to be involved as Field Elections Deputies (FEDs) and poll workers and that there are people who think that certain departments are run very politically and that to these people this allows those departments to send in poll workers to “do something on a supervisorial district, or example.” The Commissioner said that he wanted the waiver to be tight enough, and very clear that it doesn’t do certain things and that there be no room for misinterpretation.

Director Arntz said that he does not make the decision regarding which departments are to work in which precincts. He said that if a City employee wants to assist the Elections Department, he wants competent people to work in the polling places. Mr. Arntz reminded the Commission that there are elections laws in place to protect the process.

President Townsend said that suggesting that working class, City employees who are neighbors, friends and family of other people in the City are not necessarily dishonest.

Commissioner Trasviña said that he agreed with the President but that he wants to “nail down” the plan so that the things that happened in Florida don’t happen here. The Commissioner said that in Boston, there has been a long tradition of police at the polling places, but in San Francisco this is not the case. He said the provision that City workers be prohibited from serving in any capacity or function connected to elections was in the Charter for a reason. The Commissioner said that the Commission needs to

know what it is waiving. He added that the Commission needs to know what this is going to allow and what is not allowed. Commissioner Trasviña said that he was reluctant to support the waiver without knowing what it was for.

Commissioner Gleason said that he knows the DoE needs to fill in with City workers when the Department is desperate for poll workers and other positions on election day. He said he was against a general blanket waiver, but perhaps a statement of "last resort" could be added.

Commissioner Gleason asked if the Director could give an update of the numbers of inspectors and poll workers recruited by the next meeting.

Commissioner Chung asked if the Director would provide any document that would be presented to the Board of Supervisors for approval. Additionally, the Commissioner suggested that Sheriffs and police officers be prohibited from working in any capacity other than security.

Director Arntz said that he felt that peace-officer-citizens should be able to volunteer if they did so in civilian clothes.

Commissioner Trasviña asked that the Commission be given an actual plan, even if it has an unspecified number of City employees. The plan should have from what departments the employees will come. Commissioner Trasviña asked members of the public to come forward with their thoughts on the use of City workers so that the Commission could consider them in their preparation for the next meeting.

PUBLIC COMMENT: *Mary Bull* said that she knew of incidents in which City workers attempted to influence voters. *Mary Ratcliff* said that if there had been a special recall election, people who went to the polls would have been targeted for harassment. *Willie Ratcliff* said that citizens who live in public housing are targeted for intimidation and that the Elections Department should be under a consent decree.

This item was **TABLED** until the Commission's September 1, 2004 meeting.

- (d)**Discussion of the authority of the Elections Commission concerning the proposed recall election and how measures qualify for the ballot.** Julia Moll, Deputy City Attorney, said there are statutory procedures for placing measures on the ballot. Some are in the Charter and some in the Municipal Elections Codes, and where neither of these sources specify a rule, the Department follows state law. Neither the Commission nor the DoE has discretion as to

whether a measure qualifies for the ballot.

Regarding a recall, Ms. Moll explained, there is a process that includes "a notice of intention" which is delivered to the office holder and is published. Proof of this publication is delivered to the DoE. A petition is circulated. The Charter specifies how many signatures are required to qualify the recall for the ballot. State law specifies the process for verification of signatures, the format of the petition, who may circulate a petition, who may sign a petition, and the process for signature verification. Following the state laws and procedures, if a valid number of signatures have been submitted, the measure qualifies for the ballot. There isn't any discretionary role on the part of elections officials or the Commission.

Ms. Moll said it is possible to suggest changes in the laws to the Board of Supervisors, some changes may have to go to the voters, ultimately, for approval, and some may have to go to the state legislature for consideration.

President Townsend asked what is the recourse for anyone who disagrees with the decision that has been made by an elections department or by a City Charter or state law.

Ms. Moll said that if one feels that the laws were applied inappropriately, the remedy is to challenge the determination, first by putting one's concerns in writing to the department, and if the response from the department is that the laws were applied and the procedures were followed, the recourse is to go to court. The Elections Code contemplates that there might be that kind of legal challenge.

Commissioner Chung asked if there are procedures and timelines in place within the DoE, to determine how long it takes for certification. Director Arntz answered that the DoE has 30 days within which to complete the review of a petition. There is no daily timeline of the work because it depends on what other work is being done in the department. This, he said, is why the Department is given 30 days.

PUBLIC COMMENT: *Maurice Campbell* said that the DoE had problems that were reported in Civil Grand Jury Reports from 1997 to 2002. *Mary Ratcliff* said she was terribly disappointed that the signatures were found insufficient. *Mary Bull* said that the Board of Supervisors should bring San Francisco's ordinances and codes into compliance with the Voters' Rights Act. *Victoria (last name unheard)* said she was appalled that the Mayor could appoint someone to fill a seat vacated by a successful recall of a supervisor. *Evelyn (Jerrols?)* asked when the Department began to count the signatures and that she feels that voters are disrespected. *Willie Ratcliff* said that he wants to see an Elections Department that the public can trust.

Commissioner Trasviña asked when there are problems with the content of a petition, is

there a place for the proponent to go, either the City Attorney's Office or the Director of Elections so that they can get a green light that says, "this is now ready for you to circulate? Or is this something that is not the City's responsibility?" Julie Moll responded that the proponent would need to talk to a private attorney.

Commissioner Trasviña asked if there were errors on the petition, was it up to the proponent to get them right. Ms. Moll responded that the Secretary of State's office has a form that is essentially recommended for proponents.

Commissioner Trasviña asked if there is an obligation for the City to provide to a recall proponent all the various requirements that proponents of a recall are supposed to follow, such as campaign disclosure, requirements to make the petition correct, timing, or the requisite number of petitions? Ms. Moll replied that there was no such obligation, however, the City has a "Recall Guide". The guide is not a substitute for consulting an attorney and it states this.

Commissioner Trasviña asked if there was a way for the City to be informed if a petition is being circulated. Ms. Moll answered that a petition can not be circulated without the petitioner taking certain preliminary steps, including, in terms of a recall, delivering a notice of intent to circulate a recall petition. In that way, the DoE registers the proposed recall. The DoE is willing to review petitions and give comments, but the Department can not give legal advice to proponents. The DoE does make available the state's forms and the Recall Guide.

Commissioner Trasviña said that the DoE should make the Recall Guide immediately available to proponents once they know that a recall has begun, and that this would prevent problems.

- **(e)Discussion of placement of candidates' names on the November ballot.** Commissioner Gleason said he wanted this on the agenda because this would be the last Commission meeting before the ballots go to the printer. He said he had attended a meeting in District 5 and there were questions about the ballot lay out. Director Arntz said that there would be ballots along with the Voters Information Pamphlet on public display at the DoE's front counter and that the examples would be on the website for ten days before they go to print. Mr. Arntz said there was some concern that there would be a column on the backside of the ballot due to RCV. That will not be the case, however. There will be three columns for District 5, containing all 22 of the candidates on one side of the ballot in three languages.

PUBLIC COMMENT: *Steven Hill* said he was pleased to know sample ballots were available on the website. He said it was important that voters not be confused when marking the arrows on their ballots as to which arrow goes to which candidate.

5. **Presentation by Department of Elections Staff regarding Ranked Choice Voting education.** President Townsend said that he recognized that most of the audience were present during the previous presentation of RCV that was made at the last Elections Commission meeting and asked the audience if anyone had questions. President Townsend announced that anyone wanting to have a presentation for their organizations, churches, groups, apartment building or their communities, to please contact Charles McNulty of the Elections Department. The President said that he had attended several of Mr. McNulty's presentation and would be doing so again the next evening and complemented him on his excellent approach in explaining how to vote with RCV.

6. **PUBLIC COMMENT:** *Evelyn (Jerrols?)* asked why the Department waited so long to tell people that RCV would be used in November. President Townsend explained that the Department wasn't sure that the equipment would be certified in time and once it was Certified by the Secretary of State, the DoE immediately began its preparations for voter outreach and education. *Steven Hill* said that the Center of Democracy's website was complimentary to the City's DoE's website's RCV information.

Jay Martin said he is concerned about what would be the message on the tape if the eagle voting machine rejects a ballot. Director Arntz replied that the error messages have already been mapped out and that they follow the language of the Charter. *Helen Jones* said that she is concerned about senior voters because not all of them have computers to see the ballots in advance of election day. President Townsend responded that the DoE is working on Public Service Announcements for radio and television. He said that senior centers are particularly being targeted for more information. Director Arntz invited Ms. Jones to contact Charles McNulty to come to her group to make a presentation. *An Unidentified Speaker* asked how the public can go beyond the 3 minute rule for public comment and how can the public learn of follow up, on any their concerns, for example: having a workshop on recall, training session or at least discussions with the police department regarding alleged intimidation of voters in Hunter's Point, violations of the Voting Rights Act as it relates to the appointment by the Mayor of someone to fill out the term of a recalled Supervisor. President Townsend suggested that the speaker put those issues in writing to the President of the Commission or to convince another Commissioner to put the items on the agenda. Ms. Moll explained that sometimes citizens have spoken to individual Commissioners after a meeting in an attempt to get their item added to an agenda. The President reminded the audience that the Commissioners have phone numbers where the public can reach them.

It was suggested that if members of the audience attend the Voter Outreach and Participation Committee, they may be able to convince the Committee to bring an issue to the attention of the full Commission.

7. **Announcements.** The Next Voter Outreach and Participation Committee meeting will be on Tuesday, September 14 at 5:00 pm in room 421 of City Hall.

ADJOURNMENT at 8:30 pm.

ELECTIONS COMMISSION
City and County of San Francisco



≡ AGENDA
ELECTIONS COMMISSION
Wednesday, September 1, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

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COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Eric Safire, Vice President
The Honorable Gerard Gleason
The Honorable Michael Mendelson
The Honorable John Trasviña
The Honorable Sheila Chung

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. **Director's Report**

- November 2, 2004 Election
- Voter Services Division
- Campaign Services
- Poll Locating/ADA
- Ballot Distribution
- Technology Division
- Budget/Personnel
- Poll Worker Division
- Ballot Simplification Committee

6. **Budget Committee Report**

7. **Unfinished Business**

- (a) **Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the November 2, 2004 election.** This item was TABLED at the 8/18/04 meeting awaiting more information regarding the role of Sheriffs, the numbers of City workers needed and from which City departments the workers will be coming, and a draft of the document that would be presented to the Board of Supervisors requesting the waiver.

8. **New Business**

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of August 18, 2004.**
- (b) **Discussion and possible action to accept the Budget and Policy Committee's recommendation that the Commission recommend some form of compensation, per diem or stipend, for members of the Ballot Simplification Committee (BSC) to the Board of Supervisors.** The BSC has barely had a quorum each meeting for the last 3 years and there is a great difficulty in attracting new members to serve. The requirement calls for services on 12 consecutive days, which is a burden. Some form of compensation may help attract new members.
- (c) **Discussion and possible action to accept the Budget and Policy Committee's recommendation that the Commission request that the DoE do a study to demonstrate the costs to the Department for administering Fair Political Practices (FPPC) filings.**
- (d) **Discussion and possible to accept the Budget and Policy Committee's recommendation to pass a resolution in recognition of the outstanding**

service of Commissioner Robert Kenealey and to approve a gavel inscription commemorating Commissioner Kenealey's service.

- (e) Discussion and possible action that it should be the policy of the Elections Commission to work within strict accordance with the Charter's description of the Commission's duties.**

7. Discussion regarding items for future agendas.

8. Public comment on any issue within the Elections Commission's general jurisdiction.

9. Announcements.

ADJOURNMENT

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

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The Elections Commission

September 01, 2004

City and County of San Francisco

≡ Elections Commission

Approved: 09-22-04

≡ *Minutes of the Meeting held*

September 1, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:04 pm.
2. **ROLL CALL.** PRESENT: Commissioners John Trasviña, Arnold Townsend, Gerard Gleason, Sheila Chung, Eric Safire and Michael Mendelson.
3. **DIRECTOR'S REPORT.**

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November 2, 2004 Election – Mr. Arntz reported that he had received an email from Commissioner Trasviña regarding the Help America Vote (HAVA) grant funding for accessibility to polling places, voter education and poll worker training. The Department of Finance had frozen the funds but they should be released sometime this week. However, it is unclear whether the monies for accessibility will be released in time for use in the November 2004 election.

Commissioner Trasviña asked if the voice of the Commission should be added to the Director's when communicating with the Secretary of State (SoS) to help speed along the funding. Mr. Arntz said that the funding for education and training should be released in time to use it for the coming election.

Mr. Arntz suggested that the Commission partner with a disabled advocacy group to approach the SoS with concerns for ramps and temporary railing needed at some of the polling sites which would be otherwise inaccessible. That portion of the grant will not arrive in time for November. In addition, the Director said there is a

system, which costs approximately \$400,000, that will allow all text to be translated into English, Spanish and Chinese for audio files.

The Director reported that there will be a court hearing tomorrow to determine whether local measure proposition M will remain on the November ballot. Proposition L will also be heard in court tomorrow. This proposition approves using 15% of the hotel taxes for the preservation of theaters and the promotion of movie making in San Francisco.

The Director reported that there will be four ballot cards for each voter in the districts in which there will be Ranked Choice Voting (RCV) in November. The districts without a supervisor running, will have three cards. Mr. Arntz said that it will be very challenging for the DoE because this will be a high turn out election because of the Presidency. He reminded the Commission that for every 300 people voting, there would be 1200 ballot cards in those precincts with four cards. The eagle tabulating machines, which accept and count the ballots at the polling sites, can only accept/hold approximately 1200 ballot cards before the bins inside the machines are full. The Director said he is looking at several approaches to this potential problem, such as taking the ballot cards from the eagles and placing them into sealed bags and seal the bags in boxes which will be picked up from the polling sites at the end of the evening by the Sheriff's Deputies.

The VIP (Voters Information Packet) will be approximately 250 pages. The first shipment will be mailed October 4th. This is the date for the start of early voting and the mailing of absentee ballots.

The role of the Police Department and Peace Officers during elections –

The DoE is organizing a meeting with the police department to discuss their role during elections and what the DoE can do to assist them in training.

Voter Services – The division is cleaning the data base and inputting newly received registration cards. There will be a lot of activity involving the data base because this is a supervisorial and presidential election year. There are 462,000 people currently registered to vote in the City; this is an 8,000-voter increase since the March election.

Campaign Services– The division has reviewed all submitted paid arguments. They proofread the material and make sure the information included is correct.

Poll Locating/ADA – The division has worked, for the last week, on a grant application that has been sent to the SoS. Hiring in this division has increased to assure that the Department has confirmed enough polling places by September 17th.

Technology Division – The division's manager resigned. A replacement has been hired but he hasn't come on board yet. He is tying up things at his current place of employment. The end-to-end testing of the voting system will begin by next Friday. This is why it is important to have the new hire on board.

Budget and Personnel – The division is working to get all invoices processed so that the DoE has all the materials it will need in November. There have been approximately 80 new hires in the DoE and those persons need their hiring paperwork resolved to begin to work.

President Townsend asked the Director if these 80 people constitute all the hiring he will do for the election. Mr. Arntz replied that there are still more positions that will need to be filled.

Poll Worker Division – The division sent notices to all former poll workers to determine if they were interested in working this coming November. Thirteen hundred people have confirmed that they will return. The Director said that he expects to have 800 to 1000 high school students working on the election making a total of about 2400 poll workers for November.

Commissioner Chung asked if the court cases would delay the DoE's preparation and printing of the ballots and the VIP. Mr. Arntz stated that the Department has prepared two sets of plates for the printings – one with the measure and one without it. Additionally, the Department will start printing the state portion of the ballots, first, before the local sections are printed. He said that test ballots should be received by September 13.

4. **Budget Committee Report**

Chairperson of the Committee, Michael Mendelson, commended Commissioner Gleason, the only other member of the Budget and Policy Committee, for his work on the four issues before that Committee. Those issues are covered under New Business in these minutes

5. **Unfinished Business**

(a) **Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the November 2, 2004 elections.** This item was TABLED at the 8/18/04 meeting awaiting more information regarding the role of Sheriffs, the numbers of City workers needed and from which City departments the workers will be coming, and a draft of the document that would be presented to the Board of Supervisors requesting the waiver.

MOTION CARRIED to move this item off the table.

President Townsend reminded the Commission that there had been much discussion by the public over this issue at the last Commission meeting which was held at the Mission Recreation Center. The President said that he felt the Commission needed to be mindful to encourage all City workers to volunteer to work on election day because it is a right afforded to all registered voters. He said that he wanted to, personally go on the record to, make it clear that any of his concerns about City workers is "certainly not that I assume that they would do something untoward and that anyone is manipulating them." The President added, that it is the duty of the Commission to oversee the DoE, it is proper for the Commission to have an idea of what the people who are working for the Department, even temporarily, are doing, why they are needed and for how long.

Commissioner Mendelson asked the Deputy City Attorney if the Sheriffs' role during elections was specifically outlined.

Deputy City Attorney Moll replied that the Charter states that the Sheriffs are responsible for transporting the voted ballots and memory packs, and that they are required to approve a security plan for the ballots until the election results are certified. It is left to the discretion of the Director and the Sheriffs to work out what those security arrangements are and how they are staffed.

Ms. Moll added that there are other roles for the Sheriffs, such as on election day, when there have been complaints of electioneering at polling sites. In the past, she related, when police have been called they hadn't necessarily had specific training regarding electioneering and may not have responded effectively. Once the police have left, the complained activity has resumed. However, when the Sheriffs became involved in transporting ballots, their level of awareness and understanding of elections day procedures was so great that they started to play a role in complaints about electioneering. This responsibility has already been assigned back to the police. The Charter does not prohibit the Sheriff from performing this role. The Charter leaves this to the discretion of the Elections Director and the Sheriff.

Commissioner Mendelson asked if the Commission has any responsibility regarding the Sheriffs' activity on election day. Ms. Moll answered that the Charter mandates the Sheriff to perform certain functions, so the Commission could not decide to charge some other City official to perform those functions.

Ms. Moll said that the Commission could make some suggestions about the plan that is approved by the Sheriff, but the Charter specifies that it is the Sheriff who approves the security plan.

Commissioner Chung recalled from the last meeting that much of the concern was whether the Sheriff can do work outside of transportation and security. Ms. Moll said that the Charter does not prohibit the Sheriffs from having a greater role.

Commissioner Chung asked if there was anything that prohibited the DoE or the Commission from limiting the role of the Sheriffs to security only, such as serving as a poll worker. Ms. Moll said that she thought the Commission probably could do so, but that this might be handled by the waiver, which is how the Commission controls the use of City employees to assist the DoE. This is because the Commission has to recommend the waiver to the Board.

Commissioner Mendelson asked if the Commission had the right to tell a citizen, who happened to be a Deputy Sheriff, that he/she could not participate in any election day role.

Ms. Moll said that she recalled the difficulty in the past of getting poll workers to work in some areas of the City, after a certain point in the evening unless there was form of security there. Ms. Moll stated that there was concern by some of the public speakers at the last Commission meeting about having armed personnel at the polls. Ms. Moll said that, in her memory, this only happened when there was a concern by poll workers about their personal security. These workers were unwilling to stay until closing unless there was a police officer or some other person there willing to provide some security and escort them from the polling place.

Ms. Moll said that this was not part of the security plan. If this situation arises on election day, DoE and other officials must respond appropriately.

President Townsend stated that he had done some investigations himself since the last Commission meeting regarding the police issue. He said that he discovered that when there had been police present, it was because there had been problems and/or specific complaints. For example, people were disruptive in the election place or electioneering. Sometimes the people who were doing the electioneering continued when told to stop and the police were called.

President Townsend said that he had had the occasion to ride along with the Sheriffs during an election and found them to be extremely efficient and since they have been doing the security for the DoE there have been fewer problems.

Commissioner Gleason said that the City Personnel Waiver Request, provided to the Commission by the Director, is exactly what the Commission needs to see and he

wants to see it forwarded along with the waiver to the Board. He said was amazed to see that the numbers for City workers requested were one tenth of what he had seen the DoE need in the recent past. Mr. Gleason said that the City needs to encourage more citizens to work the elections.

Commissioner Trasviña requested the Waiver be amended to add to the third paragraph "before, on and after" election day; and to remove the wording in the fourth paragraph, "election day needs" and replace it with "election needs".

Motion CARRIED with the amendment by Commissioner Trasviña.

6. **New Business**

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of August 18, 2004.** Mendelson MOVED and Chung SECONDED approval of the minutes. Commissioner Trasviña offered a minor amendment. Motion CARRIED with the amendment.
- (b) **Discussion and possible action to accept the Budget and Policy Committee's recommendation that the Commission recommend some form of compensation, per diem or stipend, for members of the Ballot Simplification Committee (BSC) to the Board of Supervisors.** The BSC has barely had a quorum each meeting for the last 3 years and there is a great difficulty in attracting new members to serve. The requirement calls for services on 12 consecutive days, which is a burden. Some form of compensation may help attract new members. Commissioner Mendelson said that the Committee had just received information regarding compensation and wants to re-refer it to the Budget and Policy Committee to present a more specific motion to the full Commission.

This item is TABLED until it is brought to the Commission by the Budget and Policy Committee after its next meeting.

(c) **Discussion and possible action to accept the Budget and Policy Committee's recommendation that the Commission request that the DoE do a study to demonstrate the costs to the Department for administering Fair Political Practices (FPPC) filings.** Commissioner Mendelson reported that Commissioner Gleason was able to get the county of LA to demonstrate \$266,000 and 11 people committed to their FPPC filings. Commissioner Mendelson asked that this item be re-referred to the Budget and Policy Committee to take advantage of the information received from the County of Los Angeles in order for the Committee to present a more specific motion. This item is TABLED until it is brought to the Commission by the Budget and Policy

Committee after its next meeting.

- (c) **Discussion and possible to accept the Budget and Policy Committee's recommendation to pass a resolution in recognition of the outstanding service of Commissioner Robert Kenealey and to approve a gavel inscription commemorating Commissioner Kenealey's service.**

Commissioner Mendelson reported that the Committee met and approved the resolution and an inscription on the Commission's gavel and asks the full Commission to agree. The MOTION was MOVED by Commissioner Mendelson and SECONDED by Commissioner Gleason. Commissioner Mendelson added that Commissioner Kenealey did an outstanding job as a founding member of the Elections Commission during a very tempestuous time for the Department. President Townsend said that he does and will continue to miss Commissioner Kenealey's counsel and support. He said that he joined in the approval of this motion wholeheartedly and was excited about the resolution and the gavel inscription. Commissioner Trasviña recalled his own early years as a Deputy City Attorney and the beneficial counsel afforded him by then Deputy City Attorney Robert Kenealey. Commissioner Trasviña asked that former Commissioner Kenealey be present at a future Commission meeting to receive his official resolution and witness the gavel inscription when they are publicly presented. This item CARRIED unanimously.

7. **Discussion regarding items for future agendas.**

Commissioner Trasviña requested a discussion of the Help America Vote Act grant funding be put on the agenda for the next meeting. The Commissioner asked the Director if the timing would be appropriate to calendar this item at the next meeting. Director Arntz answered that it would be. This item will be first heard at the Budget and Policy Committee and then the Commission meeting that is held the following day.

Commissioner Gleason asked for the subject of poll worker recruitment be on the next agenda because he has several suggestions of ways to help the DoE increase its ability to find workers. This item will be first heard at the Budget and Policy Committee and then the Commission meeting that is held the following day.

Commissioner Trasviña announced that the Voter Outreach and Participation Committee would be discussing at its Committee meeting: ballot access, recall and the appointment of vacancies caused by recalls. The discussion of these items will be reported to the Commission the following day.

- #### 8. **Public Comment.**
- David Pilpel* said that he supports a study by the DoE to justify its efforts to receive compensation for the FPPC filings the Department must maintain. He suggested that the City collect fines for delinquent filings and for non-filers.

9. **Announcements.** Commissioner Gleason said that he plans to follow in the footsteps of his predecessor, Commission Thomas Schulz, and work as an Inspector during the November election. Commissioner Gleason invited his fellow Commissioners to check their calendars and determine if they can volunteer to work in a polling place for the upcoming election, which is 60 days away. The Commissioner advised his fellow Commissioners that they would see much more of the process if they worked at a polling site, even for half a day, on election day.

ADJOURNMENT 8:05 PM

ELECTIONS COMMISSION
City and County of San Francisco



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≡ AGENDA
≡ ELECTIONS COMMISSION
Wednesday, September 15, 2004

7:00 pm

NOTICE

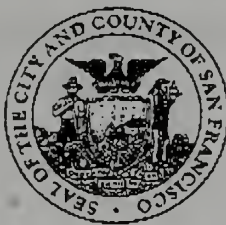
*5/04
called*
This meeting has been rescheduled to

Wednesday, September 22, 2004

at
The OMI Recreation Center
650 Capitol Street

Shirley Rodriques
COMMISSION SECRETARY

ELECTIONS COMMISSION
City and County of San Francisco



≡AGENDA

ELECTIONS COMMISSION

Wednesday, September 22, 2004

The OMI Recreation Center

(Oceanview, Merced, Ingleside Recreation Center)

650 Capital Avenue

Meeting Room

(Between Lobos and Montana Streets)

at 6:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Eric Safire, Vice President

The Honorable Sheila Chung

The Honorable Gerard Gleason

The Honorable Richard P. Matthews

The Honorable Michael Mendelson

The Honorable John Trasviña

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - November 2, 2004 Election
 - Voter Services Division
 - Campaign Services
 - Poll Locating/ADA
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel
 - Poll Worker Division
6. **Voter Outreach and Participation Committee Report**
 - (a) Report on the recall process for local officials.
 - (b) Report on the role of police department in or near polling places on or before Election Day.
7. **Unfinished Business**
 - (a) Presentation of Resolution to Former Commissioner Robert Kenealey and dedication of gavel inscription.
8. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of September 1, 2004.
 - (b) Discussion and possible action to send a letter requesting release of HAVA state funds for election administration-related purposes.
 - (c) Discussion and possible action to send a letter to the Chief of Police asking that the Police Department not increase parking enforcement near polling locations on and surrounding Election Day.
9. **Presentation by Department of Elections Staff regarding Ranked Choice Voting.**
10. **Discussion regarding items for future agendas.**
11. **Public comment** on any issue within the Elections Commission's general jurisdiction.
12. **Announcements.**

ADJOURNMENT

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Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

September 22, 2004

City and County of San Francisco

— Elections Commission

(Approved:10-20-04)

— Minutes of the Meeting held

September 22, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 6:16 pm.

2. **ROLL CALL.** PRESENT: Commissioners John Trasviña, Arnold Townsend, Gerard Gleason, Sheila Chung, Eric Safire and Michael Mendelson. President Townsend introduced the newest member of the Commission, Richard P. Matthews, the appointee for the City Attorney's Office, and asked him to join the table.

7. (a) *(Item was taken out of order)* **Presentation of Resolution to Former Commissioner Robert Kenealey and dedication of gavel inscription.**

President Townsend presented the framed resolution passed at the August 14, 2004 Commission meeting in recognition of former Commissioner Kenealey's contributions to this body. Joelle Kenealey, the recipient's daughter, was present to receive the plaque and view the new inscription, in honor of the former Commissioner, on the gavel. The entire text of the resolution is attached to these minutes.

3. **DIRECTOR'S REPORT.**

Voter Services – The division is cleaning the database and inputting newly received registration cards. Additionally, the division is currently preparing to send 3400 absentee ballots to San Francisco voters who are overseas.

Campaign Services– The division has recruited and trained staff for the Elections Phonebank. Services for incoming calls in English, Spanish and Chinese have already begun.

Poll Locating/ADA – The division is proud to announce that currently 76% of all polling sites are ADA compliant. This percentage is the highest ever.

Technology Division – The division's is currently heavily involved in updating the Elections Department website.

Ballot Distribution – The division expects to have all of the November 2, 2004 ballots in house within the next 48 hours.

Budget / Personnel - The division is working to process purchases from the other DoE divisions and processing the time sheets and paychecks for regular and newly hired staff.

Poll Worker Division – The division is proud to report it has assigned 697 inspectors and 1119 clerks for this November's election.

4. **Voter Outreach and Participation Committee Report**

(a) **Report on the recall process for local officials.** Chairperson of the Committee, John Trasviña, reported that the Committee heard testimony from citizens requesting that the Commission recommend to the Board of Supervisors that the issue of who fills the vacancy that occurs due to a recall be in the hands of the voters, not the Mayor. The Committee lacked a majority to take action on this item and continued it. Commissioners Trasviña and Chung expressed a strong desire to continue study and receive public input on the issue at either the

committee or Commission level.

The Committee also heard extensive testimony regarding the effort to obtain and submit signatures in the spring and summer of 2004 for a recall election in District 10. Members of the public identified specific actions by the Department of Elections and interpretations of local and state law which with they disagreed. The Director of

Elections reported that the Department, with the City Attorney, was working on improving the administration of recall election procedures and revising the handbook made available to recall proponents. The handbook will be published later this year or early in 2005.

(b) Report on the role of the Police Department in or near polling places on or before Election Day. Chairperson Trasviña reported that the Committee heard from members of the public expressing concerns about increased non-emergency law enforcement operations taking place on or before Election Day. Members of the public expressed serious concerns that the operations had the effect of intimidating potential voters in minority neighborhoods. The Committee also invited and heard from representatives of the San Francisco Police Department and Sheriff's office (Commander Mike Puccinelli and Deputy Chief Vicki Hennessey, respectively). On motion of Commissioner Safire, seconded by Commissioner Chung, the Committee recommended that the Commission send a letter to the San Francisco Police Department to look into the strong concerns expressed by the public.

5. **NEW BUSINESS**

(a) Discussion and possible action to approve the minutes for the Commission meeting of September 1, 2004. Commissioner Safire MOVED and Commissioner Gleason SECONDED the approval of the minutes. MOTION CARRIED.

- **(b) Discussion and possible action to send a letter requesting release of HAVA state funds for election administration-related purposes.** It was agreed that since these funds have become available since the calendaring of this item, the item is moot. ITEM REMOVED.

(c) Discussion and possible action to send a letter to the Chief of Police asking that the Police Department not increase parking enforcement near polling locations on and surrounding Election Day. Discussion of the drafted letter concluded the following: The President shall draft a new letter, the letter will be addressed to the Chief of Police as well as to the Police Commission, and the letter will mention that Commander Mike Puccinelli was present at the Committee meeting. Voter Outreach Committee and Participation Committee Report. Motion to send revised letter passed unanimously.

6. **Presentation by Department of Elections Staff regarding Ranked Choice Voting (RCV).** Charles MacNulty asked the Commissioners and the three attendees if they had questions regarding RCV. .

7. *This item was taken out of order earlier in the meeting. See above after roll call..*

8. **Public Comment** – *Steven Hill* suggested that the Director could release ballot counts daily after Election Day.

ADJOURNMENT 7:30 PM

ADDENDUM to September 22, 2004 Elections Commission Minutes::

Elections Commission

Resolution 8-17-04-1

Whereas Robert Kenealey, a founding Commissioner, is retiring from the San Francisco Elections Commission, having performed outstanding public service during the Elections Commission's first year and throughout his tenure;

Whereas Robert Kenealey's public service on the Elections Commission was notable for its intelligence, fidelity to the public good, unyielding devotion to the creation and maintenance of an independent Elections Commission and wry wit;

Now therefore, the Commission unanimously declares Robert Kenealey a good fellow, stout heart, and defender of the Public's right to fair, independent, effective elections;

Further, in witness of Robert Kenealey's outstanding service, this Commission shall cause to be made a gavel which each succeeding officer of the Commission shall use to call to order, transact business and adjourn Elections Commission meetings;

Further, such gavel shall bear a small plaque on its head bearing the words "Robert Kenealey founding member 2002-2004";

Further, such gavel and a copy of this Resolution shall publicly be presented to the Commission at the appropriate time;

Further, Commissioner Kenealey shall receive a copy of the resolution and the original shall be conspicuously posted in the Commission office.

By unanimous vote.

Arnold Townsend, President



ELECTIONS COMMISSION
City and County of San Francisco

AGENDA
ELECTIONS COMMISSION
Wednesday, October 6, 2004
South East Community Center
1800 Oakdale Ave.
San Francisco, CA
at
6:00 PM

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COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Eric Saire, Vice President
The Honorable Sheila Chung
The Honorable Gerard Gleason
The Honorable Richard P. Matthews
The Honorable Michael Mendelson
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - November 2, 2004 Election
 - Voter Services Division
 - Campaign Services
 - Poll Locating/ADA
 - Ballot Distribution
 - Budget/Personnel
 - Poll Worker Division
 - Ballot Simplification Committee
 - Technology Division
6. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of September 22, 2004.
 - (b) Discussion and possible action to recommend that the Board of Supervisors approve the resolution authorizing the Department to accept and expend federal grant funds available to the Department under the Help America Vote Act (HAVA) and allocated to the Department by the Secretary of State.
7. **Presentation by Department of Elections Staff regarding Ranked Choice Voting.**
8. **Discussion regarding items for future agendas.**
9. **Public comment** on any issue within the Elections Commission's general jurisdiction.
10. **Announcements.**

ADJOURNMENT

Disability Access

The Elections Commission meetings are usually held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-5060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

October 06, 2004

City and County of San Francisco

Elections Commission

(Approved:10-20-04)

Minutes of the Meeting held

October 6, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 6:14 pm.

2. **ROLL CALL.** PRESENT: Commissioners Arnold Townsend, Gerard Gleason, Sheila Chung, Eric Safire, Richard Matthews, and Michael Mendelson. ABSENT: Commissioner John Trasviña

3. **Public Comment:** James Bryant, of the A. Phillip Randolph Institute, welcomed the Commission to the Bayview/Hunter's Point District.

4. **DIRECTOR'S REPORT.**

November 2, 2004 Election – Mr. Arntz reported that the mailing of the Voter's Guide (VIP) began last Thursday. It usually takes usually 1½ weeks to deliver all the guides to the Post Office. The districts that will be voting on Ranked Choice Voting (RCV) ballots, will receive their VIPs first. Spanish and Chinese VIPs should be in the mail by October 11. This past Monday was the first day of early voting for this election. Any San Franciscan registered to vote, can vote early at City Hall. One advantage to voting in City Hall is that a voter can change their registration, or register to vote while there and then vote. October 18, 2004 is the deadline to register for this election.

The absentee ballots have stickers on the outside of the envelope to indicate there is an RCV ballot enclosed. Inside the envelope are instructions for marking the RCV ballot.

The Director explained that RCV ballots will be green and regular ballots will be red in color. When a voter goes to a polling site where Supervisory candidates are up for election, the voter will be handed the RCV ballot on top of the three ballots for other offices. Districts that do not have RCV this election will receive three ballot cards. RCV precincts will have voting instructions posted and poll workers will be able to instruct voters at these sites.

If a polling place has changed since the last election, there will be large red signs letting voters know of the new location, with tear-off sheets containing directions to the new location. Voters will be notified by postcard of any changes of polling locations after the VIPs have been mailed.

New federal laws (Help America Vote Act) are in effect that required the Department of Elections (DoE) to be more stringent in the accessibility of polling sites to persons with disabilities. This has caused many polling sites, that have been used for years, to close and be replaced by more accessible ones. Again, signs have been placed on these former sites informing voters that their polling location has changed and directing those voters to the new location.

A voter can visit the DoE website, type in their address and receive the most up to date location of their polling site and see a map of the area, and a picture of the actual absentee ballot.

Director Arntz explained the remake process for voters who vote on a provisional ballot, that is, a ballot that is not from their precinct. He said that because the City is laid out over various supervisorial, BART districts, school board and Community College Districts, there are many different ballot types. The state law states that a provisional voter can vote for whatever he/she is eligible and that vote will be counted when the provisional ballot is received by the DoE. Sometimes these cards are remade to be feed through the optical scanning equipment. The vote will count, perhaps not all the items will be counted, but those that apply to the voter in his/her district will be counted.

There was a press conference regarding RCV on Monday that included three television stations, two radio stations and five print media. The conference lasted 2 1/2 hours. The Director, staff and voters were interviewed by the reporters during a Department tour after the official press conference ended.

The staff at the early voting counter in City Hall reports that voters are not surprised by RCV. Voters who have no information regarding RCV appear to be comfortable using it after a little instruction. Two hundred and ninety people voted on the first day of early voting.

Voter Service Division – This division conducts the early voting counter at City Hall and mails the overseas ballots. This year they mailed over 4000 ballots overseas and the division has received over 800 back.

Campaign Services – This division runs the phone bank. On October 20, from 3:00 pm until 5:30 pm there will be an open house in the department. The public is invited to walk through and tour DoE operations. Managers will explain their division's responsibility and take questions.

Director Arntz reminded the Commission and the audience that anyone can view any of the processes of the Department of Elections. There is nothing that the DoE does that cannot be observed by members of the public. The public, however, cannot handle the ballots or voter information and they cannot interfere with the process – but they can observe it. It is an open process. There is an Observer's Guide available to anyone by requesting it.

Poll Locating/ADA – This division has been getting the word out about changes in polling sites and making sure the sites are as accessible as possible.

Ballot Distribution – This division will have mailed 107,000 absentee ballots to San Francisco voters by Thursday. There are approximately 4,000 additional applications to be processed.

Budget and Personnel – This division is preparing the staffing plans for election day. So far, about 200 people have been identified to organize and help assist the activities necessary for November and for the post election day process. All election day purchases have been made.

Poll Worker Division - Currently all precincts have been staffed with workers. There are 565 Chinese bi-lingual and 67 Spanish bi-lingual poll workers. Standby workers are now being recruited – in the past this number has been 400 – 450 workers.

Poll worker training began last weekend and will continue until October 30.

Technology – The division has begun the logic and accuracy testing of the voting equipment. Cards are pre-marked, so that the mock election results are known ahead of time, and then they are run through the software. This testing should be completed by the end of next week. So far, there have been no problems with the modifications to

the system.

Commissioner Chung asked the Director if a voter could come to the DoE office to get a sample of the ballot they would be voting. Director Arntz said that the VIP is on the Elections Department website with the ballot types and they are also available at the Department.

6. NEW BUSINESS

- (a) Discussion and possible action to approve the minutes for the Commission meeting of September 22, 2004. The Commission Secretary reported that the draft of these minutes was not yet available for public posting. This item is CONTINUED.
- (b) Discussion and possible action to recommend that the Board of Supervisors approve the resolution authorizing the Department to accept and expend federal grant funds available to the Department under the Help American Vote Act (HAVA) and allocated to the Department by the Secretary of State. Commissioner Mendelson MOVED and Commissioner Safire SECONDED this item.

Public Comment – *Steven Hill*, from the Center of Voting and Democracy, asked if the DoE was informing voters of their right to a provisional ballot under HAVA. Director Arntz advised Mr. Hill that there is a poster outside each precinct site that explains the federal laws.

Motion CARRIED.

7. **Presentation by the Department of Elections Staff regarding Ranked Choice Voting.** Mr. Charlie MacNulty conducted the demonstration, and offered his office phone (554-4340) to anyone who had questions.

Public Comment – *Dedria Smith*, of the A. Phillip Randolph Institute (APRI), extended an invitation to the Commission and audience to the Town Hall Meeting to educate the public about RCV at the Bayview Opera House, Thursday, October 7 and Friday, October 8. Ms. Smith listed additional public outreach efforts by her organization, such as precinct walking on 10/9, 10/16 and 10/23, a Town Hall Meeting at Sunnydale/Visitation on 10/20, Phone Bank outreach on 10/21, a Town Hall Meeting at Evergreen Baptist Church on 10/22, and an NAACP Meeting on 10/24. Ms. Smith invited interested persons to contact APRI at 626-3379.

8. **Discussion regarding items for future agendas.** President Townsend suggested a workshop for Commissioners to establish discussion between new Commissioners and the City Attorney to clarify and define their roles and relationships with the Department Director and staff and other issues.

9. **Public Comment** – *Kevyn Lutton*, organizer for the petition to recall the District 10 Supervisor, said that “nobody in this neighborhood received a notice of this meeting”. Ms. Lutton reviewed her objections to the DoE’s decision to reject signatures on the recall petition.

President Townsend reminded the audience that the public is informed of the Elections Commission’s meetings through mailings of Public Service Announcements to area newspapers, church and organization bulletins, as well as on the internet. He called to Ms. Lutton’s attention that the “New Bayview”, a neighborhood newspaper, of which he held a copy, also had a notice of this meeting.

Steven Hill said that the Commission should invest into a microphone so that a group the size of the one at this meeting could better hear the proceedings.

ADJOURNMENT at 7:10 pm

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA

ELECTIONS COMMISSION

Wednesday, October 20, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Eric Safire, Vice President
The Honorable Sheila Chung
The Honorable Gerard Gleason
The Honorable Richard P. Matthews
The Honorable Michael Mendelson
The Honorable John Trasviña

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **President's Report**
 - County Jail Classroom visit.
 - Letter to the Department of Corrections urging that release documents for prisoners include information regarding voting rights and responsibilities.
6. **Director's Report**
 - November 2, 2004 Election
 - Voter Services Division
 - Campaign Services
 - Poll Locating/ADA
 - Ballot Distribution
 - Budget/Personnel
 - Poll Worker Division
 - Technology Division
7. **Budget and Policy Committee Report**
 - (a) Report on an amendment to the California Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places.
 - (b) Report on compensation for members of the Ballot Simplification Committee (BSC) to the Board of Supervisors.
 - (c) Report on expanding nomination organizations for the Ballot Simplification Committee (BSC) from the print media to include additional professional associations.
 - (d) Report on seeking compensation from the State for the costs associated with serving as the filing officer for campaign filings mandated by the State Political Reform Act.
 - (e) Report of incentives to encourage the retention of experienced poll workers and recruitment of new poll workers.
8. **New Business**
 - (a) Discussion and possible action to approve the minutes for the Commission meeting of September 22, 2004 and October 6, 2004.
 - (b) Discussion of Commission member assignments for Elections Day.
9. Discussion regarding items for future agendas.

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10. **Public comment** on any issue within the Elections Commission's general jurisdiction.
11. **Announcements.**

November 3, 2004 meeting of the Elections Commission is cancelled.

ADJOURNMENT

Disability Access

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Elections Commission >> Meeting Information >> Elections Commission Meeting Information



The Elections Commission

October 20, 2004

City and County of San Francisco

Elections Commission

Approved: 11-17-04

Minutes of the Meeting held

October 20, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:05 pm.
2. **ROLL CALL.** PRESENT: Commissioners Arnold Townsend, Gerard Gleason, Sheila Chung, John Trasviña, Richard Matthews, and Michael Mendelson. ABSENT: Commissioner Eric Safire.
3. **Public Comment:** *Steven Hill* presented to the Commission a door hanger his group, the Center for Voting and Democracy, produced to educate voters regarding ranked choice voting. Mr. Hill said that 20,000 of the flyers were being distributed in districts 5, 7 and 11 by various campaigns. Mr. Hill then gave a brief report on the Youth Commission of San Francisco's "Youth Vote" where ranked choice voting was used to elect the student representative to the Board of Education.
4. **PRESIDENT'S REPORT.**

President Townsend reported that he spoke to the inmates in the school that the County Jail operates about the importance of voting and their responsibility as citizens. Election Department staff members Nicole Douglas and Barbara Banford gave a demonstration of ranked choice voting (RCV) for the students. The laws regarding the voting rights of incarcerated persons were also discussed. In addition to the visit to the jail, the President said that he had recently made a presentation at Hastings Law School and a senior center about RCV.

President Townsend recounted meeting a former prisoner who was released over 34 years ago and didn't learn that he could vote until the 2000 election because he thought ex-felons were not allowed to vote. For this reason, the President said, he

wants to send a letter to the Department of Corrections, with a copy to the Governor's Office, urging that as part of the Department of Corrections release package to inmates, there be included an explanation about former prisoners' voting rights. The President reminded the Commission that part of releasing prisoners is to bring them back into society and an important duty of all citizens is to vote.

President Townsend said that he wants to publicly state that no matter how good the job that the Department of Elections (DoE) does during this upcoming election, there will always be some complaint. He said the Commission appreciates that the DoE has done all that it can to get ahead of problems that have come up in the past. He thanked the Department for making more polling places ADA approved for the November election than have been approved in the past.

5. DIRECTOR'S REPORT

Ranked Choice Voting (RCV) – The main issue, currently, is how soon the results will be known. The Department will have the first ranking results on election night. As outlined in the plan presented to the Commission two months ago, the next day the alga rhythm will be run. Therefore the preliminary results for RCV will be made available on November 3, 2004 at the 4:00 pm Department of Elections' Report. The ballot image report (information on each ballot card cast and counted) for RCV will be available the next day. On Monday, October 26, 2004, the Director will provide a memo that will give the time frame for reports and samples of the actual reports that will be issued throughout the election process. The DoE has never run this type of election and only practice runs will have been conducted prior to November 2nd. The Director said that he was aware that the media and campaigns are eager to know the results as soon as possible, but his plan is to release tabulation results once a day at 4:00 pm report as has been the policy of the Department for past elections.

RCV results will be released once a week. The Director explained that to create the report, all ballot counting must stop. The most important work the Department must complete is the ballot count. However, if running a alga rhythm is possible without much disruption, the Director stated that he would present reports more frequently. The main goal is to get the ballots counted and the election certified.

Commissioner Gleason reminded everyone that not only do we have the RCV election, but there are the other ballot issues that must be counted, and these counts would have to stop so that a report on the ranked choice voting could be made.

Commissioner Mendelson asked if the DoE were to do frequent reports, as requested by Supervisor Gonzalez in his Board of Supervisor's resolution, would it interfere with the process of getting the results of the non-RCV election. Director Arntz replied that it would because all counting would need to stop in order to produce the frequent reports

because there has to be a static data base to make the reports. Commissioner Mendelson asked if anyone from the Board of Supervisors had contacted him about the resolution. The Director replied that he was not contacted until after the resolution was introduced.

Commissioner Chung asked how long it would take to run the reports. The Director said that he wants to be very methodical and cautious in the counting of the RCV ballots and since this type of election has never happened before, there is no way of knowing how long it will take.

Commissioner Trasviña stated that the Director has a major educational effort ahead to explain to the press, supervisors and public exactly what is happening during the tallying process. The Commissioner asked the Director to convey in his October 26 memo, and where ever possible, what the public can reasonably expect at the end of election night or when the system shuts down that night, and lay out when other reports will be coming and what is necessary to make those reports.

Commissioner Matthews asked if it was accurate to say that it does not make sense to run the alga rhythm until we have adjudicated every provisional ballot, absentee ballot and signature check. Director Arntz replied that, as far as having an election, this is the case.

Commissioner Matthews asked what the Board of Supervisor's resolution wanted from the DoE. Director Arntz answered that the resolution asks that RCV data be up by noon the day after the election, the alga rhythm run and the ballot image report be made every day.

The Director explained that the information for the RCV votes that is recorded in the eagle machines is in a separate memory system that can not be quickly removed from the machines. The memory system for the RCV votes is removed by opening up each machine and bringing the information to City Hall.

President Townsend asked the Director if Supervisor Gonzalez had contacted the DoE prior to presenting his resolution. The Director replied that the supervisor had not. President Townsend said that this was "patently absurd". He said the supervisors have a job to do and they are not elections experts or elections department workers and should have spoken to the Director about his plans and asked why the plans were as layed out and what might be the difficulties expected.

Commissioner Mendelson said that one of the reasons the Commission was created was to insure the security and integrity of the process and that this is exactly what the Director intends to do. The Commissioner said that he prefers that the Director do his job and the Charter, not the Board of Supervisors, states that it's the Director who

makes the call.

Commissioner Mendelson said that the Supervisors are trying to intrude politics into the process.

Voter Services – Registration numbers in August were 453,000, today the number is 478,000. This number compares to the presidential election in 2000. There are still 2,000 to 3,000 registration cards yet to be processed. These do not necessarily mean new voters – some may be change of name or address. All registration cards postmarked before the deadline and received by election day will be entered in the system and those citizens will be registered to vote. There are still 10,000 to 15,000 absentee applications to be processed. There were 133,000 absentee ballot requests.

Voter's Guides (VIPs) have been in the mail since one week before October 4th – the beginning of early voting in San Francisco. VIPs in Spanish and Chinese were added to the mail yesterday. By Thursday, the audio version of the VIP will be available.

Poll Location/ADA – All locations have been located.

Poll Worker Division - The division has 702 Chinese Poll Workers and 129 Spanish speaking Poll Workers. Any precinct that had 10 or more requests for information in a language other than English, now has a bi-lingual poll worker. Any precinct that had 75 or more requests for information in another language, has at least two bi-lingual poll workers. And any precinct with 120 or more requests for information in a language other than English, has four or more bi-lingual poll workers. The DoE is far exceeding the law in responding to these voter needs.

The Director reported that he met with representatives from the Department of Justice (DOJ) a week ago. The DOJ representatives were helpful in offering suggestions of more ways to reach more voters who might need bi-lingual assistance. The Director told the representatives and the audience at this meeting that the DoE is always eager to help voters with language assistance. The DOJ representatives suggested that they might lobby the Board of Supervisors to provide more funding and staffing to assist the DoE in its outreach in language assistance.

Commissioner Trasviña asked if the Justice Department was making suggestions for outreach because of some deficiency they saw. The Director stated that the DoE is not funded specifically for outreach. What the DOJ is trying to do is to increase the DoE's "data points", that is increase the data sources for whom the DoE reaches. The purpose is for the DoE to identify who needs these resources. The discussion with the DOJ representatives concentrated on this subject.

Commission Chung added that she had the opportunity to meet with the DOJ representative, too. She said it was her understanding that the DOJ was visiting all jurisdictions that fall under the Voting Rights Act regarding providing bi-lingual materials. The Commissioner said the goal is to use information like the census, to automatically send bi-lingual voter information to people instead of relying of the voter to request it.

7. Budget and Policy Committee Report

Chairperson Mendelson advised that the Committee meeting had been cancelled due to the impending election, because it would have put a burden on the Director of Elections. He said that the issues could be taken up at the next Budget and Policy Committee meeting.

8. NEW BUSINESS

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of September 22, 2004 and October 6, 2004.** Commissioner Matthews MOVED and Commissioner Mendelson SECONDED approval. Motion CARRIED.

(b) Discussion of Commission member assignment for Election Day.

Commissioners Mendelson and Townsend volunteered for assignment to City Hall. Commissioner Matthews stated that he will be an Election Inspector, as he has in the past, however he asked if he could be assigned to a RCV precinct for this election. Director Arntz stated that he would try to find an assignment for the Commissioner in a RCV district. Commissioner Gleason stated that he would work as an Inspector at precinct 2211, Roosevelt Middle School, at Arguello at Geary Streets. Commissioner Chung stated that she was bi-lingual in Spanish and was willing to be placed wherever her skills would be helpful. Commissioners Trasviña and Safire may choose assignments at the warehouse or uplink sites.

9. Discussion regarding items for future agendas.

Commissioner Trasviña suggested that political flyers and mailers without identification of sponsors be on a future agenda. The Commissioner said he would speak to the Deputy City Attorney before deciding to calendar any future discussion on this issue.

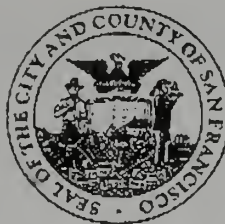
10. Public Comment – Steven Hill said that he felt that the results of the RCV can

be made available from all the memory cards and put on the website in three minutes.

Jay Martin said he had received his absentee ballot and commended the Department and Steven Hill for their work.

Commissioner Chung said that it is especially important for immigrants to know their votes are being counted and that she hopes the results are made public as soon as possible.

ADJOURNMENT @ 8:09 pm



ELECTIONS COMMISSION
City and County of San Francisco

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ELECTIONS COMMISSION

Wednesday, November 17, 2004

City Hall, Room 408

1 Dr. Carlton B. Goodlett Place

7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Eric Safire, Vice President

The Honorable Sheila Chung

The Honorable Gerard Gleason

The Honorable Richard P. Matthews

The Honorable Michael Mendelson

The Honorable John Trasviña

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - November 2, 2004 Election
6. **Commissioners Report** on their observations during their assignments on November 2, 2004, Election Day.
7. **Budget and Policy Committee Report**
 - (a) Report on an amendment to the California Elections Code to eliminate the pre-election newspaper notice of poll workers and polling places.
 - (b) Report on compensation for members of the Ballot Simplification Committee (BSC) to the Board of Supervisors.
 - (c) Report on expanding nomination organizations for the Ballot Simplification Committee (BSC) from the print media to include additional professional associations.
 - (d) Report on seeking compensation from the State for the costs associated with serving as the filing officer for campaign filings mandated by the State Political Reform Act.
 - (e) Report of incentives to encourage the retention of experienced poll workers and recruitment of new poll workers.
8. **New Business**
 - (a) **Discussion and possible action to approve the minutes for the Commission meeting of October 20, 2004.**
 - (b) **Discussion and possible action to recommend that the Board of Supervisors propose legislation to change the method of filling a vacancy created by the recall of a local elected official. (Commissioner Trasviña)**
9. **Discussion regarding items for future agendas.**
10. **Public comment** on any issue within the Elections Commission's general jurisdiction.

11. **Announcements.**

ADJOURNMENT

Disability Access

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Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

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Lobbyist Registration and Reporting Requirements

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The Elections Commission

November 16, 2004

DRAFT

Elections Commission Meeting

November 17, 2004

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:15 pm.

• **2.ROLL CALL.** PRESENT: Commissioners Gleason, Mendelson, Safire, Matthews, Trasvina and Townsend. EXCUSED: Commissioner Chung.

• **3.Public Comment:.** Steven Hill congratulated the Department and the Commission on the successful election and reported some of his elections day observations.

• **4.Director's Report.**

Director Arntz reported that the November election was the most complicated election the City has faced since the implementation of the optical scanning equipment in 2000. He said that the election had the most absentee voters for any election in San Francisco history and the highest voter turn out since 1952 and we implemented Ranked Choice Voting.

Problems were solved quickly. The Director said that he has not heard any criticism regarding the RCV election, the tabulations or the job the Department has done. Mr. Arntz reminded the Commission that this was the fifth election in a year for the Department. The Department processed 1.2 million ballot cards and deserves a lot of praise. He said there is room for improvement and his goal is to make the Department

even better. He commended the Commission for making the election process open to the voters and its support of the Department.

The Director reported that the software programming problem with the tabulation results was discovered quickly by the vendor, ES&S and the Secretary of State was able to make his review quickly to certify the system. This all helped to get the results out quickly.

President Townsend commended the DoE on the handling of the November Election.

- **5.Commissioners' Report on their observations during their assignments on November 2, 2004, election Day.**

Commissioner Mendelson reported that the police presence at City Hall was not a hindrance, the voters seemed to be happy to be in City Hall to vote.

Commissioner Trasvina reported that it was an indication that the Department did a good job when there was no complaints or negative stories in the media. He said that when you do a good job, you seldom get the credit. The Commissioner suggested that the groups who did exit polling should be invited to share their information with the Department and Commission.

Commissioner Matthews reported that he worked as an Inspector at precinct 3007 and had high praise for the high school students who worked with him. The Commissioner commended DoE staff person, Nataliya Kuzina, for her recruitment of the poll workers who were needed in the 560 polling places. Additionally the Commissioner complimented Cuong Quach who the Commissioner said worked superbly before, during and after election day in the handling of the ballots. Deborah Brown, Erlisa Chung and the Voters Services staff were given praise for their work as well. Commissioner Matthews reported that earlier in the day he had observed the 1% manual tally at Brooks Hall and was amazed at how well the procedures were executed.

Commissioner Gleason reported that he, too, worked as an Inspector and had 75 people in line at his precinct when the doors opened for his polling site. He had three high school students who were excellent workers. He complimented the Department on the banners, signage and equipment for the polling sites. The Commissioner praised the Department on the work they did to produce the poll worker manual and said it was "fantastic". The Commissioner especially wanted to compliment poll worker trainer Matt deTessan and his assistant Eve Maher. He complimented the workers at 240 Van Ness for their efficiency in distributing the supplies to the poll workers.

Commissioner Townsend reported that he visited three precincts in District 5. He was impressed by the number of people who are willing to work in the polls. The Commissioner also observed the voting in City Hall. He said that the RCV outreach had helped to increase the number of poll workers, and congratulated the various community groups who helped with voter outreach. He said when he attended these outreach meetings in which the groups encouraged citizens to volunteer to work at the precincts.

- **6. Budget and Policy Committee Report.**

Committee Chairperson Michael Mendelson reported that the agenda was ambitious and asked that the Commission Secretary make the minutes of the meeting available as soon as possible so that the public can get a feel for how each item was discussed. The Commissioner invited members of the public to come and bring their ideas to the Budget and Policy Committee meetings.

He said that the Committee is always concerned about how requests will impact the Director of Elections and the Department in doing their work.

Regarding retention of experienced poll workers, and possible ideas and incentives to encourage more citizens to serve as poll workers in the future, Commissioner Mendelson reported that the Director will be coming to the Committee with a plan that it will consider and forward to the Commission.

Mr. Mendelson said that the Committee will come to the Commission with a template for the Election Plan that will need to be considered before forwarding to the Board of Supervisors.

8. (a) Discussion and possible action to approve the minutes for the Commission meeting of October 20, 2004. Commissioner Matthews MOVED and Commissioner Safire SECONDED approval.

Public Comment. David Pilpel call the Secretary's attention to a correction in the spelling of Supervisor Gonzalez' name.

The motion to approve the minutes CARRIED.

- (b) **Discussion and possible action to recommend that the Board of Supervisors propose legislation to change the method of filling a vacancy created by the recall of a local elected official.** Commissioner Trasvina said that this item has a long history and gave specific examples of occasions when appointments to fill vacant positions are filled only temporarily until the electorate makes a decision:
 1. When an appointment to the Board of Supervisors is made by the Mayor, that member's term is shortened to end so that the voters can decide who is to fill that seat at the next election.
 1. The Treasurer's appointment will also be limited until an election to fill that vacancy is held next November.
 1. One of the principles behind RCV is that a maximum number of voters ought to decide who should be elected to the position.

Commissioner Trasvina said that the exception to these examples seems to be when the Mayor gets to fill a vacancy created by a recall. He said that when the voters decide to remove a person voted into an office, the voters have the right to decide who takes that person's place.

Commissioner Trasvina explained that the change he is suggesting came from several meetings the Commission and the Voter's Outreach Committee has held to which testimony by members of the public was given.

For example, the Commissioner said, voters would never let President Bush pick who is to fill a vacated Senate seat.

Commissioner Trasvina MOVED and Commissioner Gleason SECONDED this motion.

Public Comment. *Kevyn Lutton* said that the recall petition wording said that the people of the district have the right to elect the replacement of the recalled supervisor. *David Pilpel* suggested that the Commission ask the City Attorney to draft the legislation and have the Commission approve it before taking it to the Board of Supervisors. *Steven Hill* said that he supports the Mayor not appointing a person to fill the vacancy.

Commissioner Matthews stated that he feels this is "well outside the Commission's jurisdiction" because it is a political question whether a branch of the government or the voters holds the power and how is it counter balanced. The Commissioner suggested that a member of the public is the best to present this to the Board. The Commissioner added that he sees the Commission responsibility as "how" the election is run not "what is the content" of the election. Further, the Commissioner stated that the Commission's decision to alter the date of an election for the Assessor and Public Defender was content neutral and did not alter the balance of power. The entire reason for the change was to make elections more efficient. The Commissioner urged the other members to vote against this item.

Commissioner Trasvina said that this is an effort to change an injustice and that it is his understanding that the Board of Supervisors will be taking up this subject.

The Commissioner offered to withdraw the motion rather than have the members vote against it.

Commissioner Trasvina WITHDREW HIS MOTION, Commissioner Safire SECONDED THE WITHDRAWAL.

- **9. Announcements.** Commissioner Trasvina announced that he will be resigning his appointment to the Elections Commission to accept the position as Western Regional Director of the U. S. Commission on Civil Rights, an office located in Los Angeles. The Commission was an important force behind the Voting Rights Act of 1965, 1975 and 1982.

President Townsend said that he appreciated Commissioner Trasvina's counsel and work on the Elections Commission and will miss him greatly. He said that he hoped the Board of Education would keep in mind the need for diversity when they make the appointment for Commissioner Trasvina's replacement.

Commissioner Gleason said that the Commissioners who worked for stipends on November 2, 2004 have decided to donate their entire pay to the St. Anthony's Foundation in memory of former Commissioner Robert Kenealey. President Townsend agreed to also contribute the stipend amount.

Public Comment: *Steven Hill* thanked the Secretary of State for that office's efforts and those of ES&S to remedy the equipment glitch experienced during the election. *David Pilpel* praised the addition of the new Deputy Director for the Department of Elections, Linda Tulett. He also suggested that the DoE pursue damages from ES&S for the equipment problems on November 2nd. *Kevyn Lutton* asked that input from citizens be sought in the rewriting of the handbook. *Jay Martin* said he wanted to know

what remains to be completed for the November 2nd election. *Commissioner Matthews* suggested a congratulatory party in the South Court of City Hall for all the Elections Day workers.

Director John Arntz introduced the new Deputy Director, Linda Tulett to the Commission. He reported that Ms. Tulett has worked 8 ½ years in the San Mateo Election Office running their Campaign Services Division.

ADJOURNMENT at 8:30 pm



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City and County of San Francisco

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ELECTIONS COMMISSION

Wednesday, December 1, 2004

City Hall, Room 408

1 Dr. Carlton B. Goodlett Place

7:00 pm

COMMISSIONERS

The Honorable Arnold Townsend, President

The Honorable Eric Safire, Vice President

The Honorable Sheila Chung

The Honorable Gerard Gleason

The Honorable Richard P. Matthews

The Honorable Michael Mendelson

The Honorable John Trasviña

Shirley Rodriques

COMMISSION SECRETARY

ELECTIONS COMMISSION
City and County of San Francisco



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ELECTIONS COMMISSION
Wednesday, December 15, 2004
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
7:00 pm

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COMMISSIONERS

The Honorable Arnold Townsend, President
The Honorable Eric Safire, Vice President
The Honorable Sheila Chung
The Honorable Gerard Gleason
The Honorable Richard P. Matthews
The Honorable Michael Mendelson

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. **Director's Report**

- Nov. Election Certification
- Voter Services Division
- Campaign Services
- Poll Locating/ADA
- Budget/Personnel
- Poll Worker Division
- Technology Division

6. **New Business**

- (a) Discussion and possible action to approve the minutes for the Commission meeting of November 17, 2004.
- (b) Discussion and possible action to support an amendment to California Elections Code section 12105, which requires pre-election publication of poll workers and polling places in a newspaper. Other counties have previously recommended this change to section 12105 as a cost-savings measure. Instead of newspaper publication, the Department of Elections could post the information on its website and in its main office.
- (c) Discussion and possible action to recommend that the Board of Supervisors amend Municipal Elections Code section 600, to (1) authorize the Northern California Newspaper Guild or the Northern California Chapter of the Society of Professional Journalists to nominate candidates for appointment by the Mayor to the Ballot Simplification Committee, and (2) provide compensation to members of the Ballot Simplification Committee.
- (d) Discussion and possible action to adopt the Request for Waiver dated October 27, 2004, prepared by the Director of Elections and approved by the Elections Commission, as the template for future waiver requests.
- (e) Discussion and possible action to ask the Commission President or a Commission member selected, to present and to discuss with and seek action from the Board of Supervisors on Motion # 06-16-04-2 passed by the Elections Commission on June 16, 2004: The Motion reads in part:

Recommendation to the Board of Supervisors for a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the statewide primary election to the following November General Municipal Election. This amendment, if accepted for the Board, placed on the ballot and approved by voters, could take effect as early as 2006.

7. **Discussion regarding items for future agendas.**
8. **Public comment on any issue within the Elections Commission's general jurisdiction.**
9. **Announcements.**

ADJOURNMENT

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The Elections Commission

December 15, 2004

Elections Commission Meeting

December 15, 2004

(Approved 01-19-05)

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1. **CALL TO ORDER.** President Townsend called the meeting to order at 7:00 pm, and led the FLAG SALUTE.

2. **ROLL CALL.** PRESENT: Commissioners Gleason, Mendelson, Safire, Chung and Townsend. ABSENT: Commissioner Matthews.

- **3.DIRECTOR'S REPORT.**

November Election Certification - The November election was certified by the Director on November 30, 2004 and the results were declared by the Board of Supervisors on December 7, 2004. The office has completed the destruction of unused ballots as well as the packing and storage of election material for retention according to state law.

Upcoming Elections -There is a scheduled Retirement Board election for mid-January with approximately 50,000 voters. Ballots will be mailed out by December 27th. Election must be certified in early February.

There is a possible election to be held for a Health Services member election due to the passage of Measure C on the November ballot. There are approximately 60,000 voters

involved. A possible tentative schedule would be Spring of 2005.

Precinct Services Division – The division continues to work on "Phase 2 of the 100% Accessibility Plan" to bring all polling places in to HAVA compliance.

Technology Division - The Department is preparing to install a new server as well as receive an updated version of the Voter Registration system, which should help improve some of the processes.

Budget / Personnel Division - The City is dealing with a citywide budget crisis of approximately 97 million dollars. The DOE is working with the Mayor's Budget Office on our projected budget for the remainder of the fiscal year with a goal of reducing the Department's budget in a way as to not overly impact any one service the office provides to the voters.

Commissioner Gleason asked the Acting Director, Linda Tulett, if the Director could discuss his memo of 12/08/04 at the next Commission meeting. Specifically, the Commissioner wanted the Director to cover the expiring contract with ES&S (due to expire on 1/15/05), how the expiration will effect Ranked Choice Voting (RCV), having the Secretary of State remove conditional approval of RCV and making it permanent, and if the Secretary of State has approved touch screen voting and how this all effects access issues, RCV and future contracts. Ms.Tulett said she would let the Director know the Commissioner's request.

Commissioner Mendelson asked Ms.Tulett how much the Department of Elections (DoE) charges organizations to run their elections. Ms.Tulett replied that she cannot currently answer that question would get back to the Commission with an answer.

Commissioner Mendelson asked if the DoE has conducted many elections for groups such as the Health Service System and Retirement Board?

Ms. Tulett replied that she had no information on the past elections but that the election for the Retirement Board is probably a standard event for the Department.

President Townsend asked Ms.Tulett to ask the Director to give the Commission an update on what is happening with ES&S, requirements that the DoE's still needs from ES&S regarding RCV, and the possibility to have the voting equipment be able to rank more than three choices. The President requested that Director Arntz be prepared to answer these questions at the next Commission meeting.

- **4.New Business:**

(a) **Discussion and possible action to approve the minutes for the Commission meeting of November 17, 2004.** Commissioner Mendelson MOVED to approve the minutes. The MOTION was seconded and CARRIED.

(b) **Discussion and possible action to support an amendment to California Elections Code section 12105, which requires pre-election publication of poll workers and polling places in a newspaper. Other counties have previously recommended this change to section 12105 as a cost-savings measure. Instead of newspaper publication, the Department of Elections could post the information on its website and in its main office. This item was TABLED until the next meeting.**

- (c)**Discussion and possible action to recommend that the Board of Supervisors amend Municipal Elections Code section 600, to (1) authorize the Northern California Newspaper Guild or the Northern California Chapter of the Society of Professional Journalists to nominate candidates for appointment by the Mayor to the Ballot Simplification Committee (BSC), and (2) provide compensation to members of the Ballot Simplification Committee.** Commissioner Mendelson MOVED to discuss. Commissioner Gleason said that he wants this item to go back to the Budget and Policy Committee because he has become aware of recent development that needs to be considered. Commissioner Gleason said that he had been recently in touch with the Society of Professional Journalists who feel that in light of the Commission seeking an amendment to the Elections Code section requiring pre-election publication of poll workers and polling places in newspapers, and the Commission's desire to eliminate this requirement, there would be an conflict of interest on the part of the Society if it were to nominate candidates of appointment to the BSC.

President Townsend asked that the Commission's Budget and Policy Committee seek an official position from the Society regarding whether it wished to nominate a candidate for the BSC. This item was defeated and sent back to the Budget and Policy Committee.

- (d)**Discussion and possible action to adopt the Request for Waiver dated October 27, 2004, prepared by the Director of Elections and approved by the Elections Commission, as the template for future waiver requests.**

President Townsend clarified that acceptance of this item would mean the Commission would not have to rule on whether or not to seek future waiver requests from the Board of Supervisors. It was agreed that this template would be the one used for future elections. The MOTION CARRIED.

(e) Discussion and possible action to ask the Commission President or a

Commission member selected, to present and to discuss with and seek action from the Board of Supervisors on Motion # 06-16-04-2 passed by the Elections Commission on June 16, 2004: The Motion reads in part:

Recommendation to the Board of Supervisors for a Charter amendment moving the election for the offices of Public Defender and Assessor/Recorder from the statewide primary election to the following November General Municipal Election.

This amendment, if accepted for the Board, placed on the ballot and approved by voters, could take effect as early as 2006. Commissioner Mendelson suggested that the President of the Elections Commission bring this item to the attention of the Board of Supervisors on behalf of the Elections Commission. President Townsend said that he would follow up on this item with the assistance of Commissioner Gleason, to get the Board of Supervisors to calendar this matter. President Townsend said that he would speak personally with the appropriate Board of Supervisors committee chairperson and attempt to arrange an appearance before that committee.

ADJOURNMENT was at 7:20 pm

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